

MINUTES
UTAH BOARD OF PHARMACY
May 24, 2022 | 8:30 A.M.
Held Electronically, No Anchor Location

CONVENED: 8:39 A.M.

ADJOURNED: 10:38 A.M.

DOPL STAFF PRESENT ELECTRONICALLY:

Bureau Manager: Larry Marx	Pharmacy/Health Specialist: Jim Garfield
Bureau Manager: Lisa Martin	CSD Admin: Jeff Henrie
Board Secretary: Julie Pulsipher	Compliance Manager: Tracy Naff
Lead Investigator: Camille Farley	Compliance Specialist: Bernice Palama
Investigator: Travis Drebing	Investigator: Kaila Silcox

BOARD MEMBERS PRESENT ELECTRONICALLY:

Carrie Dunford, PharmD, Chairperson	Sepidah Daeery, Pharm D
Christopher Sheard, PharmD, Vice Chairperson	Gary Hale, R.Ph.
Karen Gunning, Pharm D	Autumn Hawks, Pharmacy Technician
	Shaun Curran, PA CS, Public Member

GUESTS IN ATTENDANCE ELECTRONICALLY:

Cliff Holt, Utah Family Pharmacies	Kathy Varley, MedQuest Pharmacy	Lisa Kimbrough, MultiState Associates
Dustin Christensen-Grant, Roseman Univ.	Monique Gurney, PGY1 Resident, IHC	Loan Huynh, U of U Student
Rich Bishop, Smith's Food and Drug	Wes Peterson, Omnicare of SLC	Stephanie Arceneaux, Ch.Ldr. #insulin4all
David Doane, Intermountain Healthcare	RJ Evans, MedQuest Pharmacy	Christopher Christensen, Stapley Pharmacy
		MedQuest Pharmacy

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 8:39 A.M.

REVIEW AND APPROVE APRIL 26, 2022 MINUTES

(See Audio 1 for Specifics 00:04:36-00:06:22)

Ms. Hawks motioned to approve Minutes for April 26, 2022 meeting.

Dr. Sheard seconded the Motion.
Motion passed unanimously.

SWEAR IN NEW BOARD MEMBER—SHAUN CURRAN, PA CS

(See Audio 1 for Specifics 00:06:22-00:09:02)

Shaun Curran was sworn in as the newest member of the Board of Pharmacy. Mr. Curran read aloud his oath of office statement.

INVESTIGATIVE REPORT—CAMILLE FARLEY

(See Audio 1 for Specifics 00:09:09-00:14:39)

Lead Investigator Farley present the Pharmacy report for April, as provided.

Lead Investigator Farley stated in the last month emails were sent out to Pharmacies she hoped were helpful for everyone. Lead Investigator Farley stated the NABP Newsletter will be sent out as soon as it is available. Lead Investigator Farley stated if there are any questions, to reach out to Investigations.

Dr. Dunford asked where to find self-inspection forms. Dr. Dunford stated something was passed in Rule where an annual self-inspection was required. Dr. Dunford stated she has been directing inquiries to inspection forms found on the DOPL website under Licensing, Additional Forms.

Lead Investigator Farley stated she would follow up on the change for pharmacies to do a self-inspection. Lead Investigator Farley stated they could do another alert to everyone.

CSD UPDATE—JEFF HENRIE

(See Audio 1 for Specifics 00:14:48-00:22:27)

CSD Administrator Jeff Henrie presented CSD Update, as provided.

Mr. Henrie stated they are still tracking DSP12, and electronic prescribing is about 78% right now. Mr. Henrie stated it has leveled off, so there are small incremental changes.

Mr. Henrie stated CSD and AD teams just finished a rural caravan to providers throughout the state. They went to Price, Richfield, St. George, Moab and others last week and have one more in Logan. Mr. Henrie stated these presentations have been well-received. The database is in final stages of moving up into the cloud. Mr. Henrie stated upgrade for RX 3.0, for the most part, is performing well. Mr. Henrie stated there is occasionally an outage, but they are trying to minimize outages so the database is still available.

Dr. Sheard asked for updates about the providers who were outliers in the reports from last month's meeting regarding MME usage.

Mr. Henrie said they have not met with the Investigations unit yet, but they will meet and let the Board know as soon as he knows something.

Dr. Dunford asked to see if there were any outliers of pharmacies. Dr. Dunford stated Investigations may want to look into those pharmacies to see why they are prescribing so many opioids.

Dr. Dunford stated 80% of providers are prescribing electronically now, but it is not being enforced by DOPL yet.

Mr. Marx stated he received a letter from Senator Vickers yesterday. Mr. Marx stated Senator Vickers was wondering about status with DSP12. Mr. Marx stated there needs to be some outreach with dentists—as they seem to be in the least compliance for electronic prescribing. Mr. Marx stated he has a meeting with the Utah Dental Association tomorrow. Mr. Marx stated there are still some people not aware this law is in place.

DISCUSSION ITEMS:

CLASS A PHARMACY SHIPPING METHODS

(See Audio 1 for Specifics 00:22:27-00:32:26)

Dr. Sheard stated patients were being told they could mail their own prescriptions. Patients themselves were mailing prescriptions to relatives or friends. “Snowbirds”, missionaries, etc. were some of the people who were doing this. Dr. Sheard stated according to the rules of the United States Postal Service (USPS) policy, private citizens are not allowed to do this. Dr. Sheard stated providers and pharmacists were telling patients to go ahead and mail them. Dr. Sheard stated patients didn’t appreciate they were told they could do something that was actually against USPS rules. According to United States Postal Service, in order to mail with the USPS, a DEA medical registrant or a pharmacy must mail it. Dr. Sheard stated each individual state has additional information to be able to mail, as well. Dr. Sheard stated he doesn’t know if all carriers were allowing it or not.

Dr. Sheard stated he wanted people to know about the rules with the United States Postal Service.

Mr. Drebing stated USPS has rules posted on their website. UPS and FedEx have similar restrictions.

Dr. Dunford stated DOPL won’t enforce action as long as pharmacies are licensed in the states they are mailing the prescriptions.

Dr. Sheard stated he doesn’t know about international mailing of prescriptions and their procedures. Dr. Sheard stated there are many factors contributing to that situation.

Dr. Dunford stated EXPATPS Pharmacies can mail internationally.

EPCS—CANCEL RX ENABLED PHARMACIES

(See Audio 1 for Specifics 00:32:28-00:41:30)

Dr. Dunford stated **Electronic Prescribing for Controlled Substances (EPCS)** will transition to become the main method of prescribing. Dr. Dunford stated **Cancel RX** will be able to make things easier on patient, provider, and pharmacist.

Dr. Dunford stated **CancelRX** allows a process for cancellation of a prescription so there do not have to be so many phone calls to clarify instructions.

Dr. Sheard stated it was a great feature to be able to reduce phone calls. Dr. Sheard stated in his professional area, there is a training piece needed. Dr. Sheard stated there has been a little bit of a learning curve.

Dr. Curran stated provider coaching would be really helpful in the process of learning the new protocols. Dr. Curran stated it would eliminate confusion when using the cancellation feature.

Comments, Questions, and Concerns were discussed.

NABP UPDATE

(See Audio 1 for Specifics 00:41:30- 01:11:55)

Dr. Dunford, Dr. Sheard and Ms. Hawks were able to go to the NABP meeting this last weekend.

Ms. Hawks gave information on her experience for the conference. Ms. Hawks stated most of what they did was share concerns and ideas. Ms. Hawks stated technician product verification, transfers, and how they had been implemented in other states were areas of discussion. Ms. Hawks stated these items could be good discussion in the future.

Dr. Dunford asked **Ms. Hawks** her opinion on the Pharmacy Technician Scope of Practice.

Ms. Hawks stated Utah is a leader in a lot of ways for pharmacy technicians. Ms. Hawks stated Utah has a lot of training and education requirements. Ms. Hawks stated she was able to build a good network with other technician colleagues from other states. Ms. Hawks stated there was a positive response to adding new allowances for technicians to be able to do more.

Ms. Hawks stated she still has concerns about advanced technicians. Ms. Hawks stated there was discussion about the PTCB and NHA, and if they were to pass the test to get a pharmacy technician license, could they then get an advanced pharmacy technician license. Ms. Hawks stated the scope is getting very big; but drawing that line can be very messy.

Dr. Dunford asked **Mr. Marx** if it would require a statutory change in order to create an advanced Pharmacy Technician license.

Mr. Marx stated it would require a statutory change. Mr. Marx stated an advanced pharmacy technician would be a new class of licensure which would need the legislature to set that class up in Statute.

Dr. Sheard stated the NABP Conference was a good meeting which included a great deal of information and a good sharing of ideas. Dr. Sheard shared a breakdown of exam statistics.

Dr. Sheard stated workplace conditions and burnout were big topics. Dr. Sheard shared examples of working conditions around the United States.

Dr. Sheard stated the Board has talked about this topic before, and the demand on pharmacy is a real thing. Dr. Sheard stated some states had considered limiting the number of prescriptions a pharmacy can handle during the day, ratios on personnel, and mandatory breaks. Dr. Sheard stated the goal was to share ideas of what to do.

Dr. Sheard stated license portability was another topic of discussion.

Dr. Sheard stated the CDC had a presentation on opioid overdose. Dr. Sheard stated the CDC was updating the 2016 guidelines.

Dr. Sheard stated there were no hard resolutions passed, but they were more of a continuation of what they were already doing.

- NABP Model Act to include pharmacists as healthcare providers, passed.
- Improving E-prescribing functionality and a taskforce to improve, passed.
- Resolution on compounding and reporting adverse events to the states and creating a taskforce to see how that would be implemented, did not pass.
- Consideration of a development of a national MPJE where states would then have their own state exam, passed for NABP to consider it.
- DQSA Drug Quality Security Act passed as well as DSCSA.
- Resolution passed regarding telepharmacy and regulation of telepharmacy.
- Multistate licensure to allow interstate portability did pass. NABP will be looking at that to implement.
- 503a and 503b pharmacies and allowing common ownership regarding compounding pharmacies did not pass.

Dr. Sheard stated there was a Recognition Resolution—people who had particular contributions to Boards of Pharmacy. Dr. Sheard stated Lynn Hooper was recognized for the state of Utah.

Dr. Dunford stated there was less conversation in open mic time this NABP conference. Dr. Dunford stated only two states were without representatives at the conference. Dr. Dunford stated Dr. Jerome Adams, Surgeon General, was a keynote speaker.

HB 301

(See Audio 1 for Specifics 01:12:16-01:29:57)

Dr. Dunford stated Dr. Sheard and Ms. Hawks will be on the Board helping with prescriber dispensing along with two representatives from the Physician Board.

Mr. Marx said the physician board wasn't particularly interested in this.

Mr. Marx stated the big question for the Rules is defining what medications would be allowed and which ones would not be allowed.

Mr. Marx stated he could start a draft of definitions of what needs to be in the Rule, i.e.: proper storage and proper inventory. Mr. Marx stated this bill is about handling, storing and tracking of medications. Mr. Marx stated keeping the rules consistent between the professions is going to be important.

58-88-202 and 58-88-203 Dispensing practice—Drugs that may be dispensed—Limitations and exceptions, were discussed.

Mr. Marx stated he would start a draft that would then be sent to Dr. Sheard and Ms. Hawks for help with draft language.

LEGISLATIVE NEEDS FOR 2023 LEGISLATIVE SESSION

(See Audio 1 for Specifics 01:29:57-01:38:45)

Dr. Dunford stated as summer comes, legislators will be looking for things to bring up for the next upcoming legislative session.

Dr. Gunning asked what is pending in the Rule writing.

Mr. Marx stated the following were pending:

- **Pharmacy Interns**
- **R156-37 Controlled Substance Stimulants**
- **Diabetic Supplies**
- **Stimulants and Pregnancy**
- **STI Nurse Dispensing Draft Rule**
- **Shipped and Dispensing Rule**
- **Drug recycling act**
- **Virtual Manufacturers, Virtual Distributors, and Virtual Wholesalers**

Mr. Marx stated everything is hopefully going to be filed this summer.

Dr. Dunford stated Charitable Drug Recycling Act only allowed for Class A Pharmacies, and she wanted to add Class B pharmacies as well.

Dr. Dunford stated there had been a request for talking about CGM's. Dr. Dunford stated there was a huge response from Pharma when they looked at having allowance for therapeutic equivalents, however.

Dr. Dunford stated she had a note to look at Dispensing Medical Practitioner Act and DMP Rules to make sure they align.

Dr. Dunford stated for the next meeting, Board members should look through the Pharmacy Practice Act, and to have wording ready to share.

Dr. Dunford stated another discussion item to consider would be licensing portability and NABP Verify.

SCHEDULED BREAK WAS NOT TAKEN.

APPOINTMENTS:

COMPLIANCE REPORT—BERNICE PALAMA

(See Audio 2 for Specifics 01:39:18-01:42:08)

Ms. Palama presented the Compliance Report, as provided.

Ms. Palama stated Dr. Roylance submitted his 10 CE hour requirements and is awaiting approval. Dr. Roylance met with the Board in March 2022.

DEREK ROYLANCE—APPROVE CE'S

(See Audio 2 for Specifics 01:42:13-01:42:40)

Dr. Sheard stated 10 CE hours were required in safety and precepting. Dr. Sheard stated the CE's are appropriate for pharmacists and do meet the requirement. Dr. Sheard recommended for Dr. Roylance to send the completed certificates to the Board.

Dr. Sheard stated Dr. Roylance is in Compliance.

Dr. Sheard made the Motion to approve Dr. Roylance's 10 CE's as outlined in his Stipulation Order.

**Dr. Gunning seconded the Motion.
Motion passed unanimously.**

Dr. Dunford stated Newsletter articles are due July 1, 2022. Dr. Dunford stated early June would be the date to have the articles done.

Mr. Marx asked if Board members have EPSC software that is low cost. Mr. Marx asked for information to be able to send out to pharmacies needing this software.

MEETING ADJOURNED: 10:38 A.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.

NEXT SCHEDULED MEETING: Tuesday, June 28, 2022

2022 Board Meeting Tentatively Scheduled:
July 26, Aug 23, Sept 27, Oct 25, Nov 29, Dec 13

Carrie Dunford
Carrie Dunford (Jun 29, 2022 10:15 MDT)

Chairperson

06/29/2022

Date

Lisa Martin

Bureau Manager

06/29/2022

Date