

MINUTES
UTAH BOARD OF PHARMACY
September 27, 2022 | 8:30 A.M.
North Conference Room
160E 300 S Salt Lake City UT
Hybrid Meeting- In Person and Electronic

DUE TO COVID 19, Electronic attendance was available.

CONVENED 8:33 A.M.

ADJOURNED: 11:33 A.M.

DOPL STAFF PRESENT:

Bureau Manager: Lisa Martin
Board Secretary: Maree Christensen
Lead Investigator: Camille Farley
Pharmacy Prgrm Specialist: Jim Garfield
Investigator: Silmara Charleworth

Investigator: Travis Drebing
Investigator: Kalia Silcox
Investigator: Johnathan Evans
Business Analyst: Amy Callaway
Compliance Specialist: Bernice Palama

BOARD MEMBERS PRESENT:

Chair: Carrie Dunford, Pharm-D
Vice Chair: Christopher Sheard, PharmD
Karen Gunning, Pharm-D
Sepidah Daeery, Pharm-D

Gary Hale, R.Ph.
Autumn Hawks, Pharmacy Technician
Shaun Curran, PA CS, Public Member

BOARD MEMBERS NOT PRESENT:

GUESTS IN ATTENDANCE ELECTRONICALLY

Amanda Price – Utah Department of Agriculture and Food
Andy Steffen - Ogden Regional Medical Center Pharmacy
Bill Stilling
Chris Christensen – Stapley Pharmacy
Christine Jacobson-Ware
Dave Davis - Utah Retail Merchants Association
Donelle Perez – Peterson's Fresh Market
Erin Johanson – Roseman University
Grace LaFleuer – University of Utah
Hali O'Malley - MedQuest Pharmacy
Tricia Bishop – Department of Health and Human Services
Tyler Kast – Wasatch Pharmacy

Heather Bush – Department of Health and Human Services
Jessie Anderson
Kathy Varley – MedQuest Pharmacy
Kelly Barland – University of Utah
Redstone Pharmacy
Lenny Fitzgerald
Matthew Higley
Mark Brinton – Utah Medical Association
Mark Johnston
Robert Johnston - Ogden Regional Medical Center Pharmacy
RJ Evans – MedQuest Pharmacy
Ryker Blair – MedQuest Pharmacy
Zack Merrill – Smith's Pharmacy

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

ADMINISTRATIVE BUSINESS:

CALL MEETING TO ORDER

Dr. Sheard called the meeting to order at 8:33A.M.

REVIEW AND APPROVE JULY 26, 2022 MINUTES (*Audio 00:03:26*)

Dr. Gunning made a motion to approve the minutes as written.

Ms. Hawks seconded the motion.

The Board motion passed unanimously.

VOTE CHAIR & VICE CHAIR (*Audio 05:40*)

Dr. Sheard nominated Dr. Dunford as Chairperson.

Dr. Dunford accepted the nomination.

The nomination passed by unanimous acclamation.

Dr. Gunning nominated Dr. Sheard as Vice Chair.

Dr. Sheard accepted the nomination.

The nomination passed by unanimous acclamation.

DISCUSSION ITEMS:

INVESTIGATIVE REPORT—CAMILLE FARLEY (*Audio 00:08:38*)

Lead Investigator Farley presented the pharmacy report for August, as provided.

Dr. Sheard asked if there were any continuing trends that investigations have observed related to the letters of concerns.

Ms. Farley stated most of the letters of concern were related to compounding factors in pharmacies. Ms. Farley stated she viewed the letters of concern as a discipline ladder; assisting pharmacies to understand the laws; if not rectified, then a citation would be issued and so forth. Ms. Farley stated most complaints received are due to shortages of medication and issues with communication between customer and pharmacy staff.

CSD UPDATE—AMY CALLAWAY (*Audio 00:14:52*)

Ms. Callaway presented the CSD (Controlled Substance Database) report on behalf of Jeff Henrie, as provided. Ms. Callaway stated the Utah Controlled Substance Database had previously received a BGA (Block Grant Authority) grant, which has 1 year remaining; one of the requirements is to include the provider's specialty and NPI numbers for providers on the Utah Controlled Substance Database. The CSD staff are currently in progress with this and should be available soon on the CSD webpage. Ms. Callaway stated the CSD report showed 80% electronic prescriptions that were submitted to pharmacies, with 10% written; which displayed that the CSD is projected to be in compliance with the new rule that was released earlier this year. Ms. Callaway stated the National Association of State Controlled Substance Authorities is holding a conference here in Salt Lake City, on October 24 -27th.

Dr. Sheard asked why some providers are not adapting to the electronic submission of prescriptions, and if they were given resources to assist.

Ms. Callaway commented some practitioners are reluctant to accept the technological advancements. Ms. Callaway stated there are resources such as within DOPL to assist.

Ms. Martin stated most of the practitioners that are reluctant, will be optioning into retirement rather than make the change.

APCEC UPDATE (Audio 00:20:53)

Ms. Martin stated there were no new USP updates. Ms. Martin stated the Advisory Pharmacy Compounding Education Committee discussed a pharmacy newsletter article regarding GIF-256: Compounding Animal Drugs from Bulk Drug Substances, which will be implemented in April 2023.

FEED STORES FDA GUIDANCE 263 (Audio 00:22:27)

Dr. Price from Utah Department of Agriculture and Food, reviewed FDA guidance 263- referring to the handout as provided. Dr. Price stated current drugs that were available for OTC (over the counter) will be switched over to prescription only, in June 2023. Dr. Price stated most livestock producers purchase antibiotics from feed stores. Dr. Price discussed with the Board the current Utah Code: Pharmacy Practice Act 58-17b-102(74) and Admin Rules R156-17b-302(5), R156-17b-612(2)(3) and R156-17b-102(18) in relation to the FDA guidance document 263.

The Board discussed and gave feedback as needed.

Dr. Gunning stated the veterinarian Board would need to provide input in relation to the guidance 263 document for any potential rule changes.

Mr. Hale stated any rule changes would need to be researched to see how other states are handling their rule changes to coincide with FDA guidance 263.

PrEP & PEP (Audio 00:46:27)

Dr. Bush the HIV Prevention Manager from the Utah Department of Health and Human Services stated the passing of House Bill 178 allows pharmacists to prescribe prescriptions relating to Hormonal birth control, Naloxone, PrEP (Pre-Exposure Prophylaxis) / PEP (Post-Exposure Prophylaxis) and Tobacco cessation. Dr. Bush stated the Department of Health and Human Services have created a fact sheet that contains information relating to HB 178 including resources and links with additional information. Dr. Bush stated the fact sheet is available on the Department of Health and Human Services website. Dr. Bush stated the Utah Department of Health and Human Services will host a HIV PrEP and PEP institute to be held on November 1st and 2nd between 9am to 4pm, both virtual and hybrid options are available for HIV prevention use in Utah, the event is free and will be open for medical and public health professionals on the education and implementation of HB 178.

AMERICAN COLLEGE OF CARDIOLOGY (ACC) (Audio 01:05:03)

The Board welcomed Dr. Andy Steffen and Dr. Robert Johnston from Ogden Regional Medical Center Pharmacy to the meeting.

Dr. Steffen, stated he was seeking guidance from the Board in relation to Utah Code 58-17b-610.6 - Hospital Pharmacy Dispensing Prescription Drugs, particularly in regards to subsection (1)(b). Dr. Steffen regarding the patient pharmacy established relationship and the pharmacy is not open at time of discharge or unable to dispense the medication for any reason.

Dr. Steffen stated Ogden Regional Medical Center has entered into an agreement with Wasatch Pharmacy with a patient relationship, to dispense prescription medications. Dr. Steffen asked if they were allowed to still dispense, even if the patient has a relationship with another pharmacy and they are still open.

Dr. Sheard stated according to the rules, if Wasatch Pharmacy is closed or cannot provide the medication for any reason, then the hospital should be able to provide the supply of the medication.

Dr. Sheard stated it could come down to how the hospital has defined the term 'relationship' with the patient. Dr. Sheard stated it would seem the statute and rules gave patients options with where to obtain the medication from and a choice of an emergency fill of 72 hours.

RECORD RETENTION REVIEW (Audio 01:19:45)

Ms. Martin discussed the possibility of amending the current rule; R156-17b-602 to be more in line with the DEA, as discussed from a previous Board meeting.

Ms. Hawks stated the inventory record retention requirements should be in line with the DEA.

Dr. Hale stated the Board would need input from DOPL investigations in regards to how useful the current five years of retention have been as opposed to the suggested change of two years of records.

Dr. Sheard agreed with Dr. Hale suggesting revisiting the discussion after the investigation team provides their input.

RULE REVIEW (Audio 01:27:24)

Ms. Martin provided a review of Utah Admin Code R156-88a-101- Dispensing Practice Rule; created from HB301 from the legislative session.

The Board discussed, provided feedback and concerns as needed.

Dr. Higley asked if the rule change would allow Class B pharmacies to dispense for a 7 day supply rather than the 3 day supply at present.

Dr. Sheard stated Class B pharmacies would fall under the Hospital Pharmacy Dispensing Prescription, R156-17b-610.6.

Dr. Gunning made a motion to approve the draft rule as written

Dr. Curran seconded the motion.

The Board motion passed unanimously.

SELF-ADMINISTERED CONTRACEPTIVE (*Audio 01:59:45*)

Ms. Martin presented the draft Ulipristal questionnaire for pharmacies and pharmacists; requesting feedback from the Board.

Ms. Hawks asked how the questionnaire will be sent out.

Ms. Martin stated Ashley Beyer DOPL's outreach specialist will be using a variety of methods of delivery.

Dr. Gunning discussed the need to amend language to include wording that assists the pharmacists to understand it is not the only way to prescribe contraception.

The Board discussed the questionnaire, raised concerns and amended wording as needed.

Dr. Sheard requested the amended questionnaire be sent out to Board members to review the revisions as discussed.

NABP DISTRICT MEETING UPDATE (*Audio 02:08:36*)

Dr. Gunning provided a review of the recent NABP (National Board of Pharmacy) meeting that was held in Oklahoma. Dr. Gunning discussed the presentation of the Pharmacists Fundamental Responsibilities and Rights by Dr. John Kirtley, the Executive Director of the Board of Pharmacy in Arkansas; a collaborated document created between the American Public Health Association (APHA) and National Alliance of State Pharmacy Association (NASPA) to hone in on workplace safety and pharmacist well-being. Dr. Gunning stated many other State Board of Pharmacies have supported this document. Dr. Gunning suggested that the Board may want to think about supporting it as well. Dr. Gunning stated the University of Utah has begun to incorporate the document into the curriculum.

Dr. Gunning stated the President and the new Director of NABP gave a discussion regarding a taskforce to focus on pharmacy workplace safety and wellbeing; the taskforce met in October 2021. Dr. Gunning discussed that several items of interest were developed due to the meeting; another taskforce was created to focus on safety sensitive measures to review medication errors, along with the discussion of the development of a medication safety training academy and to create a de identified clearing house of errors, to help support the processes of errors and triggers that can identify errors. Dr. Gunning discussed a survey that was presented by Dr. Alex Varkey, APHA President, the top survey result was interruptions and the second was harassment. Dr. Gunning stated the next National Association Board of Pharmacy District meeting is in Jackson

Hole in October 2023.

NEWSLETTER TOPICS (Audio 02:18:42)

Dr. Sheard asked when the newsletter deadline was.

Ms. Martin stated the deadline is October 1st.

Dr. Sheard stated the article cyber security that was discussed in July's Board meeting has now been prepared for approval. Dr. Sheard stated that the article will be sent out to Board members for approval and posted in the newsletter.

2022 MEETING DATES (Audio 02:20:17)

Dr. Sheard stated there were not many Board members that would be available for the October 25, 2022 Board meeting. Dr. Sheard asked if the Board wanted to cancel it or move it.

Ms. Hawks asked if there would be any issues with the probationers.

Ms. Martin stated there would be no issues with the probationers if it was cancelled.

Dr. Hale stated to cancel it.

Dr. Curran made a motion to cancel the October 25, 2022 Board meeting.

Dr. Hale seconded the motion.

The Board motion passed unanimously.

Dr. Sheard stated the meeting scheduled for the 22nd the week of Thanksgiving. Dr. Sheard asked if the Board would consider moving the meeting to November 15th.

Dr. Hale made a motion to move the November 22, 2022 Board meeting to November 15, 2022.

Dr. Curran seconded the motion.

The Board motion passed unanimously.

Dr. Sheard asked the Board if there were any objections to keeping the Board meeting for December 20, 2022 as previously scheduled.

The Board had no concerns or objections to the Decembers Board meeting being held on the 20th.

CYBER SECURITY

This item was discussed under Newsletter Topics.

APPOINTMENT ITEMS:

COMPLIANCE REPORT—Bernice Palama (*Audio 02:26:24*)

Ms. Palama stated Super Drug & Herbal Store fine \$10,425 to be paid by November 15, 2022, remains unpaid; however they have until November 15, 2022.

Ms. Palama stated Mr. Roylance has successfully gained employment as a pharmacist and has proposed Spencer Snyder as his supervisor.

SUPER DRUG & HERBAL STORE, PROBATIONARY INTERVIEW (*Audio 02:29:59*)

Mr. Hale conducted the interview asking Mr. Fitzgerald, for an update.

Mr. Fitzgerald stated the required continuing education has been completed; additionally the course was very informative and he learned a lot.

Mr. Hale asked Mr. Fitzgerald how his employee situation is.

Mr. Fitzgerald stated that he has three employees lined up, however he is waiting for them to relocate to Richfield.

Dr. Hale asked Mr. Fitzgerald what the Board can do to assist him.

Mr. Fitzgerald stated there isn't anything the Board can do for him, it's up to him to make the necessary copies of the implementations and forward them to Ms. Palama.

An appointment was made for Mr. Fitzgerald to meet with the Board on November 15, 2022 meeting.

DEREK AUSTIN ROYLANCE, PROBATIONARY INTERVIEW (*Audio 02:40:30*)

Dr. Sheard conducted the interview asking Mr. Roylance for an update.

Mr. Roylance stated he has obtained employment; working for P4 Pharmacy as a PRN (pro re nata) pharmacist in assisted living facility. Mr. Roylance stated he would work 8hr shifts twice a week.

Mr. Roylance stated he has another job with CVS Pharmacy, which he has not started yet.

Dr. Sheard reviewed the stipulation requirement of obtaining supervisor approval from the Board. Dr. Sheard instructed Mr. Roylance to collect the supervisor resumes before the next Board meeting.

Mr. Roylance stated he had emailed Ms. Palama the necessary information.

Ms. Palama asked Mr. Roylance to forward the information to her again as she doesn't have the email Mr. Roylance referred to.

Dr. Sheard asked how Mr. Roylance was feeling with his gained employment.

Mr. Roylance stated he was excited to get back into pharmacy.

Dr. Sheard discussed the need for supervisor approval prior to worked hours being applied to the required time outlined in his stipulation.

An appointment was made Mr. Roylance to meet with the Board on November 15, 2022.

MEETING ADJOURNED: 11:33 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, November 15, 2022

**2022 Board Meeting Tentatively Scheduled:
December 20.**

Chairperson

Date

Bureau Manager

Date