

**MINUTES**  
**UTAH BOARD OF PHARMACY**  
**November 15, 2022 | 8:30 A.M.**  
**Room 474, 4<sup>th</sup> Floor**  
**160E 300 S Salt Lake City UT**  
**Hybrid Meeting- In Person and Electronic**

**DUE TO COVID 19, Electronic attendance was available.**

**CONVENED 8:32 A.M.**

**ADJOURNED: 1:47 P.M.**

**DOPL STAFF PRESENT:**

**Division Director:** Mark Steinagel

**Bureau Manager:** Lisa Martin

**Board Secretary:** Maree Christensen

**Lead Investigator:** Camille Farley

**Investigator:** Silmara Charleworth

**Investigator:** Travis Drebing

**Bureau Manager:** Larry Marx

**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, Pharm-D

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:**

Anne Weech

Chris Christensen – Stapley Pharmacy

Christine Jacobson-Ware

David Web

Dave Davis - Utah Retail Merchants  
Association

Dan Richards

Donelle Perez – Peterson’s Fresh Market

Elizabeth Miller

Grace LaFleuer – University of Utah

Hali O’Malley - MedQuest Pharmacy

Kathy Varley- MedQuest Pharmacy

Krystle Nelson – Roseman University

Jessica Adams

Jami Baayd

Brian Bothwell

Buck Butler - Walgreens

Lauren Paul – CVS Health

Mark Brinton – Utah Medical Association

Mark Johnston

Michelle Aytay – Walgreens

Mindie Hooley

Nick Tutela

Richard Bishop – Smith’s Food and Drug

Ryan Spencer – Intermountain Healthcare

Ryker Blair – MedQuest Pharmacy

Shaneline Tebo – Utah University

***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 8:32 A.M.**

**REVIEW AND APPROVE SEPTEMBER 27, 2022 MINUTES *(Audio 00:03:39)***

**Dr. Sheard made a motion to approve the minutes, with revisions as discussed.**

**Dr. Gunning seconded the motion.**

**The Board motion passed unanimously.**

**DISCUSSION ITEMS:**

**INVESTIGATIVE REPORT—CAMILLE FARLEY *(Audio 00:05:41)***

Ms. Farley presented the pharmacy reports for September and October, as provided.

Ms. Farley stated during the month of October there were 9 letters of concerns and 2 probation inspections.

Ms. Farley stated during the month of September there were 15 letters of concerns and 2 probation inspections.

Ms. Farley stated there has been an increase of fraudulent electronic controlled substance prescription alerts; most of which were for promethazine with codeine.

Ms. Farley stated investigations would support a change to the pharmacy rule requiring inventory record retention from 5 years to 2 years.

Dr. Dunford asked if there are inspection trends the Board should be aware of.

Ms. Farley stated shortages were one of the main reasons for complaints; shortages in medications and staff. Ms. Farley stated most of the medication shortages were for amoxicillin and Adderall.

Dr. Dunford stated the Department of Health and Human Services (DHHS) maintains an emergency stockpile that pharmacies could pull from for the amoxicillin. Dr. Dunford stated that the emergency stock pile medication would need to be given away free, and suggested the Board (DOPL) and (DHHS) work together to create a plan on how to inform pharmacies on accessing the emergency stockpile.

Ms. Farley stated investigations would be happy to help disseminate that information.

Dr. Dunford requested this topic be included on the December agenda.

Dr. Sheard asked if there are ways pharmacists can identify fraudulent electronic prescriptions.

Ms. Farley stated investigations doesn't have any sure methods of identifying the fraudulent electronic prescriptions, however we have seen them come from out of state providers', that may be a red flag. Ms. Farley stated she will research to see if she can identify any key indicators.

Mr. Steinagel asked Ms. Martin and Ms. Farley to reach out to National Association of Boards of Pharmacy (NABP) to inform them of the increase in fraudulent electronic prescriptions in Utah.

Ms. Farley stated with any fraudulent electronic prescriptions, the investigations team contacts the United States Drug Enforcement Administration (DEA).

Mr. Hale recommended a review of the controlled substance database, watch for red flags with how the prescription is written and communicate with the prescriber.

#### **CSD UPDATE—AMY CALLAWAY** *(Audio 00:21:08)*

Ms. Callaway presented the CSD (Controlled Substance Database) report. Ms. Callaway stated there are no statistics at this time for October; however Mr. Henrie will provide statistics for October & November at the December Board Meeting.

Mr. Hale stated he has noticed errors in the database relating to double reporting. Mr. Hale asked what the reporting process is for this type of error.

Ms. Callaway stated any errors that are identified can be sent to her directly, and she will investigate it further.

#### **LEGISLATION UPDATES** *(Audio 00:21:00)*

Dr. Dunford stated the Board was unable to get in contact with Senator Vickers; the item will be tabled until the next Board meeting.

#### **2023 MEETING DATES** *(Audio 00:28:22)*

Ms. Martin discussed the possibility of changing the Board meeting on July 25 2023, as it is the day after the State holiday.

The Board had no concerns with the meeting being scheduled on July 25, 2023.

Dr. Gunning stated that October 24, 2023 Board meeting conflicts with the NABP District Conference date.

Dr. Dunford recommended changing the October Board meeting to October 17, 2023.

The Board had no concerns with the date change.

#### **NEWSLETTER TOPICS** *(Audio 00:30:00)*

Dr. Dunford asked when the newsletter topic deadlines are due.

Ms. Martin stated the submission deadlines are quarterly, and the newsletter follows one month later.

Dr. Dunford discussed with the Board the topics for the January 01 submission deadline; fraudulent electronic prescriptions of controlled substances, possibly written up by Ms. Callaway and Mr. Henrie.

Mr. Hale discussed he attended the HIV PrEP and PEP institute on November 01, 2022.

Mr. Hale stated that the guidance document would need to be adjusted to include lab accessibility. Dr. Hale volunteered to write up a summary of the HIV PrEP and PEP meeting.

Dr. Sheard agreed that the guidance document would need to be tweaked to be in line with the updated (DHHS) guidelines.

Dr. Dunford asked Dr. Hale and Dr. Sheard to research the updated guidelines and make recommendations.

Dr. Dunford recommended the HIV PrEP and PEP summary be prepared for the April 2023 newsletter.

#### **OPEN MEETING ACT** (*Audio 00:41:48*)

Ms. Martin reviewed the Open Meeting Act.

#### **CONTRACEPTIVE PROTOCOL** (*Audio 00:43:31*)

Dr. Dunford stated currently the hormonal contraception questionnaire requires a blood pressure reading. Dr. Dunford stated the protocol is vague and does not indicate if the blood pressure reading must be taken at the time the questionnaire is completed.

Dr. Gunning stated it is fine if the patient takes their own blood pressure. Dr. Gunning stated it is assumed online prescribers are not taking the patient's blood pressure when prescribing.

Dr. Dunford recommended leaving the method of obtaining a patient's blood pressure up to the pharmacist for their clinical judgment.

Dr. Sheard reviewed number four in the Standard Procedures Algorithm for Prescribing of Contraceptives document – Blood Pressure Screen, which states; take and document current blood pressure.

Dr. Dunford recommended a revision from 'take' to 'obtain' patient's blood pressure.

Dr. Sheard referred to the hormonal questionnaire, suggesting a review and possible revision to the form.

Dr. Dunford stated (DHHS) were final creators of the algorithm and questionnaire documents. Dr. Dunford will reach out to the responsible individual to update the wording.

Dr. Gunning asked if her students at Utah of University could possibly go through the questionnaire and algorithm to provide recommendation for adjustments, to be in line with the guidance documents from the Centers for Disease Control and Prevention (CDC).

Dr. Sheard discussed the possibility of having an Ulipristal emergency contraceptive section on the same page as the hormonal questionnaire.

Dr. Dunford suggested Dr. Gunning's students draft the Ulipristal questions at same time as going through the hormonal questionnaire questions.

#### **RULE REVIEW** *(Audio 01:07:38)*

Ms. Martin stated the rule changes Practice Act Rules R156-17b that were approved in a previous Board meeting have now been published to the DOPL Pharmacy webpage, awaiting the rule hearing scheduled for November 16, 2022; no public comments have been submitted at this time.

Dr. Dunford stated she had followed up with the (DEA) in regards to SB 41; which would impact 58-17b -901(9) (b) by allowing the return and re -dispensing of controlled substances to patients. The DEA stated this practice would not allowed and is federally illegal. Dr. Dunford stated, an alert with clarification will need to be sent out to the narcotic treatment facilities informing of the DEA's response.

Dr. Sheard stated the proposed rule for the Dispensing Practice Act, created form HB 301 from, was discussed and language approved at the previous Board meeting.

Mr. Marx stated the proposed rule is set for a public hearing on December 14, 2022, the public comment period closes on January 03, 2023; and the rule will become effective January 10, 2023. Mr. Marx stated the rule hearing for proposed changes in R156-37 will be on November 11, 2022 and possible become effective around December 22, 2022.

#### **ALTERATIONS TO SCHEDULE II CONTROLLED SUBSTANCES** *(Audio 01:32:53)*

Dr. Dunford shared a letter that was created in stated in April 2010 from the previous pharmacy Board together with the (DOPL). The Board had been asked to clarify information printed in the Utah Pharmacists Association's (UPhA) newsletter regarding schedule II controlled substance prescriptions.

Dr. Dunford stated, in a verbal conversation with Lynette Wingert of the Salt Lake City office of the (DEA), information was provided regarding what changes or additions a pharmacist can make to a schedule II controlled substance prescription.

Dr. Dunford stated the Board would need to follow up with the (DEA) and Ms. Blackburn in reference to the 2010 letter. Dr. Dunford suggested that the Board look into if there was any

DEA statute that states the changes that a pharmacist could make if any on a schedule II controlled substance prescription.

Mr. Brinton, stated to obtain feedback from the physician Board.

**USP <797> & <795> UPDATES** *(Audio 01:42:32)*

Dr. Dunford stated the USP <797> & <795> updates were released, approved, and will become effective in November 2023, USP <800> cannot be released until the USP <797> update were approved. Dr. Dunford requested the Advisory Pharmacy Compounding Education Committee to look into the USP <800> update, to report and make recommendations at the next Board meeting.

**APPOINTMENT ITEMS:**

**COMPLIANCE REPORT—BERNICE PALAMA** *(Audio 02:15:05)*

Ms. Palama presented the compliance report for November.

Siena's Pharmacy fine \$10,000 to be paid by August 23, 2023, remains unpaid.

Derek Roylance submitted the supervisor CV's yesterday November 14, 2023

Spence's North Pharmacy had submitted self-inspection report for the Board to review, requesting an early termination, 3 year requirement had been met.

Super Drug & Herbal Store fine \$10,425 to be paid by November 15, 2022, remains unpaid, found in compliance.

Daniel Richards August – October 2022 supervisor report received and stated good reviews and no issues.

Michael Reeder had no missed check in's, negative U/A's, the supervisor report received and stated good reviews. Mental and physical health reviews received.

**DEREK ROYLANCE SUPERVISOR RESUMES SUBMITTED.** *(Audio 03:27:27)*

Dr. Sheard stated Mr. Roylance had submitted the required supervisor resumes for P4 pharmacy and CVS pharmacy.

**Dr. Sheard made a motioned to approve Spencer Snyder as Mr. Roylance's supervisor at P4 pharmacy.**

**Mr. Hale seconded the motion.**

**The Board motion passed unanimously.**

**Dr. Sheard made a motioned to approve Dr. Chris Torgersen as Mr. Roylance's supervisor at CVS pharmacy.**

**Mr. Curran seconded the motion.**

**The Board motion passed unanimously.**

**SPENCES NORTH PHARMACY, PROBATIONARY INTERVIEW** *(Audio 02:19:09)*

**Mr. Hale conducted the interview asking Mr. Holt, for an update.**

Mr. Holt stated there is nothing new to report; the pharmacy is operational level is good.

**Mr. Hale asked Mr. Holt what he had learnt through being on probation.**

Mr. Holt stated the pharmacy was put on probation before he was the pharmacist in charge (PIC). Mr. Holt stated in the last year of being the PIC, he personally took care of the standard operating procedures (SOP's), and the compounding expirations every two weeks. Mr. Holt stated that staff certification on compounding was also completed.

**Mr. Hale asked if the pharmacy was doing any sterile compounding.**

Mr. Holt stated the pharmacy only does non sterile compounding.

**Mr. Hale asked if there were any product complaints.**

Mr. Holt stated there have been no complaints.

**Dr. Dunford asked if the pharmacy was delivering prescriptions via mail.**

Mr. Holt stated yes, the pharmacy delivers prescription only within the state of Utah.

**Ms. Hawks asked if the pharmacy was planning on starting sterile compounding in the future.**

Mr. Holt stated no, the pharmacy has no intentions to sterile compound.

**Dr. Sheard asked how many pharmacists are working in the pharmacy.**

Mr. Holt stated the pharmacy has two full time pharmacists including himself, the owner also is a pharmacist and an intern that is waiting to become a licensed pharmacist.

**Mr. Hale asked if the pharmacy was providing immunization services.**

Mr. Holt stated yes, they are performing immunizations.

Mr. Holt requested early termination requirement from probations as all requirements have been met.

**Mr. Hale made a motion recommending early termination from probation for Spence's North Pharmacy.**

**Ms. Hawks seconded the motion.**

**The Board motion passed unanimously.**

**SUPER DRUG & HERBAL STORE, PROBATIONARY INTERVIEW** *(Audio 02:54:10)*

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

Mr. Fitzgerald stated he had been able to solve the worker shortage, however the new employees are in need of compounding training.

**Mr. Hale asked if there were any struggles with the stipulation requirements.**

Mr. Fitzgerald stated he has no concerns meeting the requirements, he is working on implementing the stipulation requirements, and waiting for staff to complete required compound training.

**Mr. Hale asked if the pharmacy was performing sterile compounding.**

Mr. Fitzgerald stated no, just non sterile compounding.

**Mr. Hale asked if the pharmacy is performing immunizations.**

Mr. Fitzgerald stated yes, mostly flu and COVID19.

**Dr. Dunford discussed with the Board regarding an inspection in October 2022.**

**Mr. Hale made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence or physical or mental health of an individual.**

**Mr. Curran seconded the motion.**

**All Board members voted in favor of closing the meeting.**

**The meeting was closed at 12:30 p.m. The meeting opened at 1:16 p.m.**

**The Board recommended the fine of \$10,000 remain stayed on Super Drug & Herbal Store.**

**DANIEL RICHARDS, PROBATIONARY INTERVIEW** *(Audio 03:04:15)*

**Dr. Dunford conducted the interview asking Mr. Richards, for an update.**

Mr. Richards stated he continues to work at Musley Pharmacy, and with the same pharmacist in charge (PIC). Mr. Richards stated his supervisor is Stacey Jones. Mr. Richards stated he works on-site 15 hours per week; however, the role requires over 40 hours each week.

**Dr. Dunford asked Mr. Richards what his job role entailed.**

Mr. Richards stated his role is more of administration and public relations role, rather than as a pharmacist.

**Dr. Dunford asked if the pharmacy was in compliance when ordering medication from approved U.S. compounding companies.**



Mr. Richards stated yes, the pharmacy only orders from three companies.

**Mr. Hale asked if the pharmacy had come across any challenges.**

Mr. Richards stated most challenges are to do with supply stocks, as the pharmacy completes 1,500 prescriptions per day.

**Dr. Dunford stated that Mr. Richards has continued to meet the stipulation requirements.**

**Mr. Hale made a motion for Mr. Richards to meet with the Board at the May meeting.**

**Dr. Sheard seconded the motion.**

**The Board motion passed unanimously.**

**MICHAEL REEDER, INITIAL PROBATIONARY INTERVIEW** *(Audio 02:32:45)*

**Mr. Curran conducted the interview asking Mr. Reeder what he was doing to complete the stipulation requirements from the State of Nebraska and the State of Utah.**

Mr. Reeder stated he currently completes random drug tests, attends recovery meetings three to five times a week and therapy once a week. Mr. Reeder stated he applied for reinstatement with the Board in Nebraska, and is currently waiting to hear back. Mr. Reeder stated he has submitted his reports to Ms. Palama.

**Mr. Curran asked Mr. Reeder what he learned when his Nebraska license was suspended.**

Mr. Reeder stated he had to admit that he had substance use problems. Mr. Reeder stated to help himself, he moved away from all the negative influences and contacted Utah professionals Health Program (UPHP) to create a contract to obtain the necessary assistance.

**Dr. Sheard made a motion to close the meeting in accordance with the Open and Public Meetings Act, 52-4-205(1)(a) to discuss the character, professional competence or physical or mental health of an individual.**

**Mr. Curran seconded the motion.**

**All Board members voted in favor of closing the meeting.**

**The meeting closed at 11:35 a.m. The meeting opened at 12:07 p.m.**

**Mr. Curran made a motion for Mr. Reeder to submit monthly therapist reports for at least six months.**

**Ms. Hawks seconded the motion.**

**The Board motion passed unanimously.**

**Mr. Curran made a motion to approve Mr. Reeder's supervisor for the interim until CV submitted and reviewed at next Board meeting on December 20, 2022.**

**Ms. Hawks seconded the motion.**

**The Board motion passed unanimously.**

**Mr. Curran made a motion for Mr. Reeder to return to the Board every two months to review stipulation requirements.**

**Ms. Hawks seconded the motion.**

**The Board motion passed unanimously.**

**NICHOLAS TUTELA, INTERN EXAM ELIGIBILITY INTERVIEW** *(Audio 03:08:05)*

**Dr. Dunford asked Mr. Tutela for a brief history regarding his education and exam attempts.**

Mr. Tutela stated he had graduated in 2020 from Hudson University in Maine. Mr. Tutela stated he is seeking the exam eligibility extension for the NAPLEX & MPJE. Mr. Tutela stated he had attempted the exam three times, with the last attempt taken on October 20, 2022. Mr. Tutela stated his eligibility expired on November 7, 2022.

**Dr. Sheard asked what did to prepare for the previous exams.**

Mr. Tutela stated that he kept up to date with the material through online resources, took a year off work and devoted to himself to full time study.

**Ms. Hawks asked if he had taken the Utah MPJE.**

Mr. Tutela stated he had taken the MPJE three times, failing by 1 point on his last attempt.

**Mr. Hale asked if he had worked as a technician or intern.**

Mr. Tutela stated he had, however due to have already graduated, there seemed to be issues with continuing to work in that role.

**Dr. Dunford suggested to take the pharmacy technician training course, become a licensed trainee; to work himself back into a pharmacy setting.**

**Mr. Curran asked what makes him confident that he will pass on his fourth attempt.**

Mr. Tutela stated the last exam was completely different to the previous exam, dropped by 25 questions but the same time frame. Mr. Tutela stated he felt rushed to take the exam in October as his eligibility was expiring. Mr. Tutela stated the results only came back showing competency, no scores. Mr. Tutela stated going forward he feels refreshed and confident that he will be successful.

**Dr. Sheard made a motion to allow one additional test for the NAPLEX & MPJE to be taken in the next 5 months.**

**Mr. Curran seconded the motion**

**The Board motion passed unanimously.**

**MEETING ADJOURNED: 1:47 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.*

**NEXT SCHEDULED MEETING: Tuesday, December 20, 2022**

**2023 Board Meeting Scheduled:**

January 24, February 28, March 28, April 25, May 23, June 27, July 25, August 22, September 26, October 17, November 28, December 19.

\_\_\_\_\_  
**Chairperson**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Bureau Manager**

\_\_\_\_\_  
**Date**



# SWORN STATEMENT SUPPORTING CLOSURE OF BOARD MEETING

DOPL-FM-010 05/02/2006

I, Carrig Dunford as the presiding member of the Pharmacy Board,  
which met on the 15<sup>th</sup> day of November, 2022.

Appropriate notice was given of the Board's meeting as required by Utah Code Annotated § 52-4-202.

A quorum of the Board was present at the meeting and **voted by at least a two-thirds vote**, as detailed in the minutes of the open meeting, to close a portion of the meeting to discuss the following:

- ☒ The character, professional competence, or physical or mental health of an individual (§ 52-4-205(1)(a))
- ☐ Strategy regarding pending or reasonably imminent litigation (§ 52-4-205(1)(c))
- ☐ Deployment of security personnel, devices, or systems (§ 52-4-205(1)(f))
- ☐ Investigative proceedings regarding allegations of criminal misconduct (§ 52-4-205(1)(g))

The content of the closed portion of the Board meeting was restricted to a discussion of the matter(s) for which the meeting was closed.

With regard to the closed meeting, the following was publically announced and recorded, and entered on the minutes of the open meeting at which the closed meeting was approved:

- (a) The reason or reasons for holding the closed meeting;
- (b) The location where the closed meeting will be held; and
- (c) The vote of each member of the public body either for or against the motion to hold the closed meeting.

If required, and/or kept or maintained, the recording and any minutes of the closed meeting will include:

- (a) The date, time, and place of the meeting;
- (b) The names of members present and absent; and
- (c) The names of all others present except where such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

☐ Pursuant to § 52-4-206(5), a sworn statement is required to close a meeting under § 52-4-205 (1)(a) or § 52-4-205(1)(f), but a record by tape recording or detailed minutes is not required.

☐ A record was not made

☐ A record was made by: ☐ Tape Recording

☐ Detailed Written Minutes

☐ Pursuant to § 52-4-206(1), a record by tape recording is required for a meeting closed under § 52-4-205(1)(c) or § 52-4-205(1)(g), and was made.

☐ Detailed written minutes of the content of a closed meeting although not required, are permitted and were kept of the meeting.

I hereby swear or affirm under penalty of perjury that the above information is true and correct to the best of my knowledge.

  
Board Chairman or other Presiding Member

11/15/2022  
Date