

MINUTES
UTAH STATE BOARD OF PHARMACY
March 28, 2023 | 8:30 A.M.
Room 474, 4th Floor
160 E 300 S Salt Lake City UT
Hybrid Meeting- In Person and Electronic

Electronic attendance was available.

CONVENED 8:31 A.M.

ADJOURNED: 12:55 P.M.

DOPL STAFF PRESENT:

Bureau Manager: Lisa Martin

Board Secretary: Maree Christensen

Lead Investigator: Camille Farley

Investigator: Silmara Charleworth

Investigator: Travis Drebing

Assistant Director: Deborah Blackburn

Investigator: Alicia Moran

Investigator: Kaila Silcox

Investigator: Johnathan Evans

CSD Admin: Jeff Henrie

Compliance Specialist: Bernice Palama

BOARD MEMBERS PRESENT:

Chair: Carrie Dunford, Pharm-D

Vice Chair: Christopher Sheard, Pharm-D

Shaun Curran, PA CS, Public Member

Gary Hale, R.Ph.

Autumn Hawks, Pharmacy Technician

BOARD MEMBERS NOT PRESENT:

Sepidah Daery, Pharm-D

Karen Gunning, Pharm-D

GUESTS IN ATTENDANCE ELECTRONICALLY:

Adam Gee – Walgreens

Adam Jones – Utah Pharmacy Association

Ashley Glazener

Bill Stilling

Chris Christensen – Stapley Pharmacy

Cliff Holt – Utah Family Pharmacies

Dave Davis - Utah Retail Merchants

Association

David Young – University of Utah

Donelle Perez – Petersons Pharmacy

Dustin Christensen-Grant – Roseman Uni

Erin Johanson – Roseman University

Eve Van Wagoner

Greg Jones

Janet Zarndt – MountainStar Healthcare

Jeanne Brennan

Jo Romero – Intermountain Health

Kathy Varley- MedQuest Pharmacy

Maimuna Bruce

Mark Brinton - Utah Medical Association

Mark Johnston – CVS Health

Matthew Higley – Advisory Pharmacy

Compounding Education Committee Chair

Michael Kiley – Utah College of Pharmacy

Michelle Cordeiro

Michelle Wood – Meds for Vets

Mindy Hooley

Peter Boam

Ronald Larsen - RxCheck

Ryker Blair – MedQuest Pharmacy

Sara Weston - Critical Access Hospital

Stephanie Monteiro

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 FEBRUARY 28, 2023 MINUTES *(Audio 00:03:35)*

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

Mr. Curran seconded the motion.

The Board motion passed unanimously.

DISCUSSION ITEMS:

INVESTIGATIVE REPORT—CAMILLE FARLEY *(Audio 00:07:55)*

Ms. Farley presented the investigation report for February, as provided. Ms. Farley stated there were 9 new cases related to retail pharmacies, 4 citations, 25 closed cases and 12 inspections which included new and random.

Dr. Dunford asked what the citations were related to.

Ms. Farley stated the citations were related to pharmacy inspections, which mainly included inventory and compounding violations. Ms. Farley stated there have been far less violations for inspections than there were five years ago.

CSD UPDATE—JEFF HENRIE *(Audio 00:13:28)*

Ms. Calloway provided the CSD (Controlled Substance Database) update on behalf of Mr. Henrie for February. Ms. Calloway stated the CSD has hired two Academic Detailers to work with practitioners on database usage. Ms. Calloway stated there have been five new clinics that have completed the EHR (Electronic Health Record Systems) On-Boarding training; the CSD is hoping to start testing with the University of Utah soon. Ms. Calloway stated electronic prescription reporting increased slightly above 80% for the month of February.

**ADVISORY PHARMACY COMPOUNDING EDUCATION COMMITTEE,
PHARMACY RECOMMENDATIONS FOR TWO VACANCIES *(Audio 00:17:40)***

Dr. Dunford stated there were three resumes submitted for the two vacancies within the Committee, which included submissions from: Alisa Thomas - experienced in sterile compounding in homecare and hospice settings. Robert Vickers – experienced in non-sterile compounding settings and Shixian Wong – experienced in non-sterile compounding settings.

Dr. Higley stated that Dr. O'Malley is contemplating continuing for another term.

Ms. Martin stated that the Division will follow up with Dr. O'Malley for confirmation.

LEGISLATION UPDATES *(Audio 0:54:57)*

Mr. Michael Kiley presented the 2023 Legislative updates, as provided.

APCEC UPDATES *(Audio 0:28:33)*

Dr. Higley stated the Committee drafted an e-mail alert to pharmacists and pharmacies regarding the update to USP <797> and <795> along with proposed language for USP <800>, for obtaining feedback and concerns. Dr. Higley stated the proposed draft rule language will be completed around June 2024. Dr. Higley stated the Committee discussed the paywall issue for access to the newly revised USP chapters, the committee requested feedback regarding funding from the Division. Dr. Higley stated Dr. Cox is presently drafting rules for the compounding kits that have been approved by the FDA (Federal Food and Drug Administration). Dr. Higley stated the USP< 825> inspection form was discussed, with recommendation for the pharmacy Board to investigate the form with radiopharmaceutical pharmacies.

Dr. Higley stated the Committee discussed the concerns surrounding the topic semaglutide, and the rules around essential copies.

Dr. Dunford asked if compounding with a different salt form makes it an essential copy.

Dr. Higley stated the salt form doesn't matter, it is the semaglutide molecule that is being used, the semaglutide component is the active API (active pharmaceutical ingredient). Dr. Higley recommended pharmacies compounding with compound kits follow the FDA 503A guidance, which states to follow the following three criteria: same API, dosage, and form of administration.

Mr. Stilling stated semaglutide compounding is nation-wide issue, we are going to hear more about this as time goes on.

CLIA WAIVED TESTS *(Audio 01:36:50)*

Dr. Sheard presented Prep Act Expiry – POC Testing, as provided.

Dr. Sheard from Associated Foods requested CLIA (Clinical Laboratory Improvements Amendments) waived POC Testing be allowed to continue testing after May 11, 2023 for the following: SARS-CoV-2, Influenza, Respiratory Syncytial Virus, Group A Strep (strep throat).

Dr. Dunford asked the Board for feedback and concerns regarding the request.

The Board had no concerns with the approval of the CLIA Waived test request, the request was approved for pharmacies to continue to test for SARS-CoV-2, Influenza, Respiratory Syncytial Virus, Group A Strep (strep throat).

VACCINES, EPINEPHRINE, GLUCAGON, NALOXONE *(Audio 02:07:45)*

Dr. Dunford recommended incorporating the allowance for a pharmacist to prescribe: Epinephrine, Glucagon and Naloxone. Dr. Dunford stated the package inserts are clear on the dosing and reason for dosing for patients. Dr. Dunford suggested to follow the ACIP (Advisory Committee on Immunization Practices) guidelines for vaccines. Dr. Dunford suggested pharmacists could also include collaborative agreements for billing purposes. Dr. Dunford asked the Board for feedback and concerns.

Dr. Sheard recommended following the ACIP recommendations for vaccines.

Mr. Curran expressed that he felt allowing pharmacists to prescribe was a reasonable request. Mr. Curran stated these medications are of interest to public health, there is a requirement to focus on removing barriers for better access to life-saving medications. Mr. Curran stated it would reduce the number of physician appointments required for medication renewals.

Dr. Sheard stated a standing order for Naloxone had been issued by the Board. Dr. Sheard stated North Carolina implemented a standing order for glucagon, as well as Colorado and Oregon.

Dr. Dunford asked if a guidance document for each medication should be drafted or if the Board should allow for language stating a pharmacist may prescribe.

Dr. Johnston, CVS Health, stated full prescription authority has been adopted by the state of Idaho, however a physician must first diagnose.

Dr. Dunford stated she will draft rule language for a pharmacist to prescribe: Epinephrine, Glucagon and Naloxone, and present it at the next board meeting.

PEP AND PREP *(Audio 02:20:16)*

Dr. Dunford stated the PEP and PrEP (Pre-Exposure and Post Exposure Prophylaxis of HIV) guidance document is currently outdated. Dr. Dunford stated the CDC (Centers for Disease Control and Prevention) guidelines are constantly changing, so the PEP and PrEP document should reference the CDC guidelines.

Mr. Hale stated it is a complicated project, numbers are still being reported. Mr. Hale stated we need all pharmacies to be able to prescribe, especially in the rural areas. Mr. Hale stated he would like to have pharmacists be able to stock the drug, get paid, and be able to perform the labs that are required. Mr. Hale stated he has been working with DHHS (Department of Health and Human Services) to assist with the language drafting.

THERAPUTIC SUBSTITUTIONS *(Audio 03:18:43)*

Dr. Dunford stated Representative Ward was unable to attend today's meeting. Dr. Dunford summarized her discussion with Representative Ward from a previous occasion, Representative Ward suggested allowing for medical substitutions on a prescription; this will potentially be a

bill in the next legislative session. Dr. Dunford asked the Board if they wanted to support this future bill.

Mr. Hale stated he is in full support of this allowance; he understands that Representative Ward highly regards patient care.

Dr. Dunford asked the Board for comments and considerations to bring before Representative Ward.

Dr. Sheard stated he would like to see insulin on the substitution list.

Mr. Curran stated he would like inhalers to be able to be substituted, especially when dealing with insurance companies.

Ms. Hawks stated the substitution list would be very helpful when navigating insurance plans.

Mr. Davis stated Representative Ward would need to open a bill file for the 2024 session soon to draft proposed language; the concept sounds good, but the details are difficult. Mr. Davis recommended the Board review the language before ultimately deciding to support the bill.

APPOINTMENT ITEMS:

COMPLIANCE REPORT—BERNICE PALAMA *(Audio 02:28:38)*

Ms. Palama presented the compliance report.

Siena's Pharmacy \$10,000 fine remains unpaid, due by 09/08/2023.

Derek Roylance new end date 07/01/2024, no report required, no changes in employment.

DEREK ROYLANCE, PROBATIONARY INTERVIEW *(Audio 02:29:46)*

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

Mr. Roylance stated he is doing well and settling in well within his employment.

Dr. Sheard asked if there was anything the Board could do to assist.

Mr. Roylance commented, no.

Mr. Hale asked how it felt to be working in the field again.

Mr. Roylance stated it feels fine.

Dr. Sheard stated Mr. Roylance was found in compliance and is to appear every six months, twice a year; if any changes occur let Ms. Palmer know.

An appointment was made for Mr. Roylance for the August 22, 2023 Board meeting.

LORI ANN LARSEN GREEN, APPLICATION REVIEW *(Audio 02:34:20)*

Ms. Martin stated Ms. Green had previously held a pharmacy technician trainee license, issued in August 2015, expired in August 2017. We received a pharmacy technician application on March 03, 2023, which was denied due to practical training hours being obtained during 2022 whilst unlicensed. Ms. Martin stated, the Division received a pharmacy technician trainee reinstatement application on March 13, 2023, and is brought before the Board for review.

Dr. Dunford asked if there was a reason, she thought it was appropriate to work in a pharmacy unlicensed.

Ms. Green stated the hours were obtained during the trainee license being active between 2015 and 2017. Ms. Green stated a previous supervisor had informed her she could use the hours anytime in future.

Dr. Dunford asked if after 2017 she had ever worked as a pharmacy technician trainee.

Ms. Green stated, no she had not.

Ms. Martin stated the affidavit of practical training that was submitted noted the dates of hours completed between 01/30/2022 and 10/1/2022. Ms. Martin asked if she had insight into why the supervisor signed off on those dates.

Ms. Green stated her supervisor had received miscommunication from a previous supervisor, as to the correct dates the training was completed.

Ms. Martin stated the Walgreen's course certificate completion date was dated as of 2/03/2023.

Ms. Green stated that was correct, the Manager thought it was acceptable to amend the date.

Dr. Dunford asked why she did not attain the trainee license around 2017.

Ms. Green stated it was due to personal matters.

Dr. Dunford asked if she had been working as a support personnel in a pharmacy between 2017 -2022.

Ms. Green stated yes, as a cashier and counting supplies.

Mr. Hale asked if she was currently employed.

Ms. Green stated, yes at Walgreens.

Mr. Hale asked if she is going to continue working in the field of pharmacy.

Ms. Green stated, yes, she would like to.

Mr. Hale asked if she had passed the PTCB exam.

Ms. Green stated she had passed the PTCB previously.

Dr. Dunford stated the pharmacy trainee coursework and hours must be completed while licensed, as required by Utah Admin Code R156-17B-303-a section (3).

Ms. Hawks stated in Utah Admin Code R156-17B-303-a section (4) the training program and the hours must be completed within two years, otherwise repeat the program in its entirety.

Dr. Sheard made a motion to recommend the Division approve the pharmacy trainee license, along with the completion of the training program and 180 practical hours within a six-month timeframe.

Ms. Hawks seconded the motion.

The Board motion passed with 4 in favor and 1 opposed.

KENT BURK, EXAM ATTEMPT REQUEST. *(Audio 03:09:43)*

Dr. Dunford asked Mr. Burke what brings him before the Board.

Ms. Martin stated the Division had received a NAPLEX exam attempt request from Mr. Burk, failing 6 times prior.

Mr. Burke requested a closed meeting.

Ms. Hawks 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.

Dr. Sheard seconded the motion.

All Board members voted in favor of closing the meeting.

The meeting closed at 11:55 a.m. The meeting opened at 12:29 a.m.

Dr. Hale made a motion to recommend the Division deny Mr. Burk's NAPLEX 7th exam attempt request.

Mr. Curran seconded the motion.

The Board motion passed unanimously.

COORESPONDANCE

MEETING ADJOURNED: 12:55 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 April 25, 2023*

2023 Board Meeting Scheduled:

May 23, June 27, July 25, August 22,
September 26, October 17, November 28, December 19.

Carrie Dunford
Carrie Dunford (Apr 25, 2023 20:37 MDT)

Chairperson

04/25/2023

Date

Lisa Martin

Bureau Manager

04/26/2023

Date



SWORN STATEMENT SUPPORTING CLOSURE OF BOARD MEETING

DOPL-FM-010 05/02/2006

I, Carrie Dunford as the presiding member of the Pharmacy Board,
which met on the 28 day of March, 2023.

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.

Carrie Dunford
Board Chairman or other Presiding Member

3/28/2023
Date