

MINUTES
UTAH STATE BOARD OF PHARMACY
April 25, 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: 11:12 A.M.

DOPL STAFF PRESENT:

Bureau Manager: Lisa Martin

Board Secretary: Maree Christensen

Lead Investigator: Camille Farley

Investigator: Silmara Charlesworth

Investigator: Travis Drebing

Pharmacy Specialist: Jim Garfield

Investigator: Alicia Moran

Investigator: Kaila Silcox

Investigator: Jo 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

Sepidah Daery, Pharm-D

Karen Gunning, Pharm-D

Gary Hale, R.Ph.

Autumn Hawks, Pharmacy Technician

BOARD MEMBERS NOT PRESENT:

GUESTS IN ATTENDANCE ELECTRONICALLY:

Adam Gee – Walgreens

Bill Stilling

Braden Mitchem – Midtown CHC Pharmacy

Chris Christensen – Stapley Pharmacy

Cliff Holt – Utah Family Pharmacies

Dave Davis - Utah Retail Merchants

Association

Donelle Perez –Petersons Pharmacy

Dustin Christensen-Grant – Roseman
University

Erin Johanson – Roseman University

Jennifer Healey

Jared Memmott

Jaime Montuoro

Maimuna Bruce

Mark Brinton - Utah Medical Association

Mark Johnston – CVS Health

Hali O’Malley - MedQuest Pharmacy

Melissa Hansen – U of U College of
Pharmacy

Michelle Wood – Meds for Vets

Rusty Facer

Ryan Spencer – Intermountain Health
Representative - Raymond Ward

Ronald Larsen - RxCheck

Ryker Blair – MedQuest Pharmacy

Sara Waston – Cardinal Health

Ursula Chizhik

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 MARCH 28, 2023 MINUTES (*Audio 00:05:05*)

Mr. Curran made a motion to approve the minutes as written.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

DISCUSSION ITEMS:

INVESTIGATIVE REPORT—CAMILLE FARLEY (*Audio 00:06:10*)

Ms. Farley presented the investigation report for March 2023, as provided. Ms. Farley stated for the month of March, there were 17 new cases received and 28 cases were closed. Ms. Farley stated 14 inspections were completed, mostly random. Ms. Farley stated investigations issued 7 citations; related to compounding documentation and out of state pharmacies unnotified changes. Ms. Farley stated citations are not reflected in the citation newsletter until the case is resolved.

CSD UPDATE—JEFF HENRIE (*Audio 00:38:12*)

Mr. Henrie presented the CSD (Controlled Substance Database) trends for March; 80% electronically received, as provided.

THERAPEUTIC SUBSTITUTIONS (*Audio 00:11:29*)

Representative Ward stated he is in the process of drafting a bill for the next legislative session regarding the allowance of therapeutic substitutions on prescriptions. Representative Ward stated the allowance for such substitutions would only be allowed if prescriber has made allowances on the prescription. Representative Ward stated the bill would point to the pharmacy and physician Board in drafting a list of therapeutic substitutions medications.

Mr. Hale asked if pharmacies should report back to the prescriber informing of the substitution if taken place.

Representative Ward stated the prescriber would require the information to be reported back, to add the substitution information to patient's medical record.

Dr. Gunning stated information technology issues would need to be addressed for the information to flow back to the prescriber.

Representative Ward suggested the pharmacy could send an electronic refill request with a notification back to the prescriber.

Dr. Dunford recommended inviting representatives from several technological vendors to the next Board meeting to discuss the issue.

Dr. Johnston stated certain states have adopted therapeutic substitution allowances with opt in as well as opt out options.

NAPLEX EXAM ATTEMPT LIMIT *(Audio 00:45:03)*

Ms. Martin discussed with the Board the NAPLEX exam attempt limit drafted rule language R156-17b-303c– Qualifications for Licensure – Examinations.

Dr. Dunford stated she agreed that the language clearly needs to state the number of attempts for each exam.

The Board discussed re-education requirements in relation to failing the NAPLEX after five attempts.

The Board discussed the number of exam attempts in relation to time frames.

Dr. Sheard made a motion to approve the amended drafted exam rule language with five attempts or a five-year time frame, whichever occurs sooner.

Mr. Hale seconded the motion.

The Board motion passed unanimously.

PHARMACY TECHNICIAN TRAINEE APPLICATION 2024 LANGUAGE *(Audio 01:04:42)*

Ms. Martin discussed with the Board the pharmacy technician trainee application with reference to R156-17b-303a- Qualifications for Licensure – Education Requirements.

Dr. Dunford asked if the Board had any questions or concerns.

Ms. Hawks stated statement number four on the Affidavit and Release page of the application, clearly states that it is the responsibility of applicants and licensees to read, understand, and apply the requirements contained in all statutes and rules.

Dr. Sheard stated no changes to the application need to take place; it is the responsibility for the individual to understand the conditions that they are signing to.

Ms. Hawks recommended that program representatives need to explain the application more fully.

Dr. Dunford stated the Board will revisit the topic if more challenges from applicants present themselves.

R156-17b-623 RULE REVIEW – HB 152 *(Audio 01:14:12)*

Ms. Martin discussed with the Board the drafted rule language of R156-17b-623 - Standards - Approved Cosmetic Drugs and Injectable Weight Loss Drugs for Dispensing Medical

Practitioners, - drugs that may be dispensed by a DMP in accordance with subsection 58-17b-802(1) and section 58-17b-803, in relation to HB 152; Utah Code 58-83 - Online Prescribing, Dispensing, & Facilitation Licensing Act Rule was repealed in the recent 2023 legislative session.

Dr. Gunning stated the title is not appropriate for the list of drugs cited in R156-83-306.

Mr. Davis recommended researching R156-17b-623 rule deeper with Ms. Blackburn, to make sure the scope does not go beyond the statute. Mr. Davis stated the drafted rule language R156-17b-623 contains the list of legend, non-controlled drugs from R156-83-306 - Drugs Approved for Online Prescribing, Dispensing, and Facilitation. Mr. Davis recommended not removing any of the included medications from the list for the time being.

Dr. Dunford recommended Ms. Martin and Ms. Blackburn to research the drafted rule language more in depth in relation to all other rule references for discussion at the next Board meeting.

USP SUMMARY LETTER *(Audio 01:34:34)*

Dr. Dunford discussed with the Board the USP summaries that were drafted by the Advisory Pharmacy Compounding Education Committee. Dr. Dunford recommended herself and Dr. Sheard work with Dr. Higley to obtain more information regarding feedback, and concerns that the committee is looking for from the public before the next Advisory committee meeting on June 22, 2023.

APPOINTMENT ITEMS:

COMPLIANCE REPORT—BERNICE PALAMA *(Audio 01:49:43)*

Ms. Palama presented the compliance report.

Michael Reeder had no missed check-ins, supervisor reports received on time, good reviews. self-assessment report received on time, Board to review. Therapy report received on time, no concerns. Nebraska Pharmacy license reinstated.

Harmony Schneider had no missed check-ins, supervisor reports received on time, good reviews.

MICHAEL REEDER, PROBATIONARY INTERVIEW *(Audio 01:51:45)*

Mr. Curran conducted the interview, asking Mr. Reeder for an update.

Mr. Reeder stated he's doing well; his Nebraska license was reinstated and attends therapy meetings.

Mr. Curran asked if there were any questions or concerns from the Board.

Dr. Dunford asked if Mr. Reeder was meeting with the Board quarterly or just as the board sees fit.

Mr. Curran stated every two months in his notes, however, quarterly seems reasonable.

Mr. Curran made a motion for Mr. Reeder to meet with the Board every three months; quarterly.

Dr. Gunning second seconded the motion.

The Board motion passed unanimously.

Mr. Curran found Mr. Reeder in compliance.

An appointment was made for Mr. Reeder for the July 25, 2023 Board meeting.

HARMONY SCHNEIDER, PROBATIONARY INTERVIEW *(Audio 02:03:16)*

Mr. Curran conducted the interview, asking Ms. Schneider for an update.

Ms. Schneider stated she is doing well, with no new updates, and has completed a few continuing education classes.

Mr. Curran asked if her practice plan and supervisor have been approved.

Ms. Palmer stated yes, they were approved at March's Board meeting.

Mr. Curran asked if her employment job duties involve direct patient care.

Ms. Schneider stated no, she does not do any direct patient care.

Mr. Curran asked if there were any questions or concerns from the Board.

Dr. Sheard asked her to notify the Board if she plans for a vacation of more than two weeks.

Mr. Curran found Ms. Schneider in compliance.

An appointment was made for Ms. Schneider for the July 25, 2023 Board meeting.

ELLYANA LINDEN, INTERN EXTENSION REQUEST *(Audio 01:58:11) & (Audio 02:09:42)*

Ms. Martin discussed with the Board Ms. Linden's intern extension request. Ms. Martin stated per rule R156-17b-308 (4): The Division in collaboration with the Board may approve extension of an intern license upon the request of the licensee, if the intern lacks the required number of internship hours for licensure; the Board is therefore restricted from granting the extension request due to the scope of practice.

Dr. Dunford asked how many attempts at the NAPLEX she had made.

Ms. Linden stated she had only taken the NAPLEX once, at the end of March.

Dr. Dunford recommended Ms. Linden take the MPJE exam before the NAPLEX.

Dr. Dunford stated the Board unfortunately lacks the ability to be able to grant the extension request per rule.

Dr. Dunford asked if she had scheduled another attempt at the NAPLEX exam.

Ms. Linden stated she had not scheduled another attempt, due to requiring more study time.

Dr. Gunning recommended taking a few practice tests to be comfortable and familiar with the test formats.

Mr. Curran recommended looking at NAPLEX competency statements from NABP.

Mr. Hale recommended joining a study group with a few of the upcoming graduates.

Dr. Gunning recommended visiting the University of Utah Eccles Health Science library for study resources.

**COORESPONDANCE:
FSMB Letter**

MEETING ADJOURNED: 11:12 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 May 23, 2023

2023 Board Meeting Scheduled:

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

Chairperson

Date

Bureau Manager

Date