

MINUTES

UTAH BOARD OF PHARMACY MEETING

May 27, 2014

Heber M. Wells Bldg
474, 4th floor – 8:30 A.M.
Salt Lake City, UT 84114

CONVENED: 8:35 A.M.

ADJOURNED: 2:15 P.M.

Bureau Manager:

Richard Oborn

Board Secretary:

Lee Avery

Board Members Present:

David Young, Chairperson
Derek Garn, R.Ph.
Andrea Kemper, Pharm D.
Greg Jones, R.Ph.
Carl “Trip” Hoffman, Pharm D.
Jan Bird, CPhT.

Board Members Excused:

Kelly Lundberg, Ph.D.

DOPL Staff Present:

Ray Walker, Division Enforcement Counsel
David Furlong, Chief Investigator
Missy Stoffel, DOPL Investigator
Travis Drebing, DOPL Inspector
Whitney Beckstead, DOPL Investigator
Lynn Hooper, DOPL Investigator
Morgyn Broadhead, DOPL Investigations Technician

Guests:

Bryan Holt
Scott Allen
Greg Jensen, Target
Dean Jolley, Jolley’s Compounding
Jamie Peterson, Walgreens
Linda Sandberg, Assoc. Foods
Brandon Cressall, Harmons
James R. Taggart, UCAT- Ogden-Weber ATC.
David Cheney, Assoc. Foods
Kyle Anderson, Med Quest
Kathy Valdez, Med Quest
Matt Ence, U of U College of Pharmacy
David Nay, Express Scripts
Lisa Dimick

Jared Memmott, MCP
Robert Brown
J. Brennan
Paige Patterick, Smith's

ADMINISTRATIVE BUSINESS:

Minutes:

The Board reviewed the minutes dated April 22, 2014. Ms. Kemper made a motion to accept the minutes with changes. The motion was seconded by Mr. Hoffman and carried unanimously.

DISCUSSION ITEMS:

1. Proposal to establish programs with Council on Occupational Education Accreditation (COE) as meeting the pharmacy technician education requirement in R156-17b-303a

Taken out of order on the agenda:

Mr. Oborn reviewed the letter from Mr. Rob Brems, Tom Bingham and James Taggart from Utah College of Applied Technology (UCAT) regarding the current accreditation change for Utah pharmacy technician programs. James Taggart met with the Board. Mr. Taggart advised the Board that currently their pharmacy program is accredited by Council on Occupational Education Accreditation (COE). He reviewed the many challenges UCAT and other Utah pharmacy technician programs will face to become accredited by ASHP by December 2016. Mr. Taggart is requesting that the Utah Board mirror the deadline of 2020 set by PTCB. The Board noted that when this rule was changed, the Board considered many of the obstacles that programs face in obtaining the ASHP accreditation. The Board agreed to extend the 2016 deadline. Ms. Bird made a motion to change the deadline established in the rule to require that programs become ASHP accredited by December 31, 2018. The motion was seconded by Ms. Kemper and carried unanimously.

2. Investigation report

Taken out of order on the agenda:

Mr. Furlong reviewed the pharmacy investigation actions taken by the Division against licensees for April 2014 with the Board. Mr. Furlong noted that the Division posted 2 new positions. On May 17, 2014 pharmacy investigators and licensing staff attended the Pharmacy Law Review at the University of Utah. The Division staff reported that this class was extremely helpful to them and thanked Mr. Ruble for allowing them to attend.

3. Compounding Task Force report

Mr. Hoffman reviewed the proposed compounding

mouthwash guidelines developed by the Compounding Task Force. These guidelines mirror the information in USP 795/797; however, this format is easier to read. Mr. Hoffman stated that the Task Force Committee had 16 stakeholders in attendance. Mr. Walker noted that if the Board accepts this and posts it on the DOPL website, then the document should have a disclaimer indicating this is for information purposes only and to refer the professional to 797 for specifics. Mr. Oborn stated he will review this with investigations for feedback. He will add the disclaimer and then post it on the DOPL website. Mr. Oborn noted that the Task Force Committee is doing a good job in identifying areas of compounding practice that need attention.

Mr. Hoffman stated the Task Force Committee noted that 58-17b-602 inpatient labeling is another area that the Task Force Committee is considering. The Board thanked the committee for its hard work and dedication in helping the profession.

4. Report from NABP Annual Meeting

Mr. Young and Mr. Oborn and reviewed the topics discussed at the NABP meeting. These topics included:

1. Compounding. Discussion on compounding for office use and outsourcing facilities. Mr. Young noted that while some states are still trying to define this challenge, Utah has made progress in addressing it.

2. Physician Dispensing. Dr. Munger presented information from his survey at the conference. Mr. Young noted that Idaho has been doing this for 3 years. Some states do not regulate physician dispensing at all.

3. Synchronization of medications. The Utah Board was recognized for adopting legislation related to this during the 2014 legislative session.

5. Report regarding *A Brief Survey of Pharmacy Professionals' Attitudes Toward Patient Counseling*, a poster presentation from NABP Annual Meeting

Taken out of order on the agenda:

Mr. Young introduced Mr. Matthew Ence to the Board and noted that Mr. Ence presented the following survey at the NABP Annual Meeting.

Mr. Ence reviewed a handout regarding a survey of Utah pharmacy professionals' attitude toward patient

counseling. Mr. Ence stated that surveys were distributed to 2,000 Utah pharmacists and pharmacy technicians and interns. The survey included questions regarding their understanding of patient counseling under Utah statutes 58-17b-613 and rule R156-17b-610. The question addressed was: "What are pharmacy professionals' attitudes toward and knowledge of the requirements of patient counseling on prescription medications in Utah?" Of the 2,000 surveys distributed, 272 responded. 116 from pharmacists, 134 from technicians and 22 from interns. Mr. Ence noted that pharmacists disagree on situations when counseling should be given. Also, pharmacists feel they should be giving counseling more often than they are currently. The two top barriers to counseling are the perception that patients do not want counseling and the lack of time. Mr. Oborn will obtain copies of the statute and rule for further review at the June Board meeting.

6. Repackaging of mail-order meds into bubble packs

Mr. Oborn stated the Division received an email regarding the legality of repackaging or pre-packaging medications and how to properly label these medications. Mr. Oborn reviewed R156-17b-102, definitions:

(39) Prepackaged or prepackaging means the act of transferring a drug, manually or by use of an automated pharmacy system, from a manufacturer's or distributor's original container or container in advance of receiving a prescription drug order for a patient's immediate need for dispensing by a pharmacy or practitioner authorized to dispense in the establishment in which the prepackaging occurred.

The Board reviewed a handout regarding repackaging of mail-order meds into bubble packs and copies of statutes and laws regarding how other state boards handle repackaged medications. The Board noted that this has been a problem and is confusing for many state agencies. The Board decided to review the handouts for further discussion at the June Board meeting.

7. Class C and Class A or B pharmacies at same street address

Mr. Oborn reviewed 58-17b-302 with the Board. Mr. Oborn noted that the current statute indicates that each

place of business shall require a separate license. If multiple pharmacies exist at the same address, a separate license shall be required for each pharmacy. Mr. Oborn reviewed R156-17b-615 (21):

No facility located at the same address shall be dually licensed as both a Class C pharmacy and any other classification of Class A or B pharmacy. Nothing within this section prevents a facility from obtaining licensure for a secondary address which operates separate and apart from any other facility upon obtaining proper licensure.

The Board agrees that this may be confusing. Mr. Walker noted that amending the language would require a change in the statute. Once this change is made, then the Board would clarify it further in the rule. The Board decided to discuss this further at another Board meeting.

8. Enforcement of Utah Code 58-37f-203 (2)(e) requiring entering and transmitting of ID number to CSD

Tabled to the June meeting.

9. Proposed rule amendments related to 2014 Legislative Session bills

Mr. Oborn advised the Board that the Board will review proposed language at a future Board meeting.

10. Other proposed rule amendments

None.

APPOINTMENTS:

Connie Call, compliance report

At 1:01 P.M. Mr. Jones made a motion to close the Board meeting to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded by Ms. Kemper and carried unanimously. There was no recording made. There were no written notes. The Board meeting opened at 1:33 P.M.

Mr. Jones made a motion to accept the essay submitted by Mr. Lloyd Thomas. The motion was seconded by Mr. Hoffman and carried unanimously.

Mr. Jones made a motion to accept the practice plan submitted by Mr. Kirt Wray. The motion was seconded by Ms. Kemper and carried unanimously.

Mr. Jones made a motion to accept the essay submitted by Ms. Katie Keller. The motion was seconded by Mr. Garn and carried unanimously.

James Ammon, probation interview

Mr. Ammon requested to physically meet with the Board for this meeting. Ms. Kemper conducted the interview. Mr. Ammon stated that he is still working as a pharmacist and things are going well. The Board noted that his employer reports have consistently been positive. The Board reviewed his request for a non-disciplinary probation. His probation is from 1/2/2013 to 1/2/2018. The Board advised Mr. Ammon that the Division does not have this type of probation. He met with the Board 3 times and he was not in compliance twice. The Board stated that he needs to consistently be in compliance with his stipulation and complete at least half of his probation before requesting early termination of his probation. Mr. Ammon stated he feels that in 2012 legislation was passed to allow the Division more latitude regarding non disciplinary action towards licensees. Mr. Oborn encouraged him to contact him with the statutes he is referencing. Ms. Kemper made a motion to deny Mr. Ammon's request to have a non-disciplinary license with restrictions. The motion was seconded by Ms. Bird and carried unanimously. The Board advised Mr. Ammon that as long as he stays in compliance with his stipulation he would not need to meet again for a year. The Board asked to see Mr. Ammon in July 2015. **Mr. Ammon is in compliance with his stipulation.**

Hurricane Pharmacy/JR Bell, telephone probation interview

Mr. Bell met with the Board for the Hurricane Pharmacy's probation interview. This interview was conducted by Mr. Young via telephone. Mr. Young noted that Mr. Clem McEwen was approved to complete the audit. The Board reviewed the email regarding the audit however this is not what the Board wanted. The Board wants a copy of the audit that includes the physical count. The Board also wants a CV or resume for Mr. McEwen. The Board received copies of the P&P and noted that every other page shows the name of a Ladd Family Pharmacy and does not outline the steps taken within the pharmacy regarding the violations that placed Hurricane Pharmacy on probation. Mr. Bell stated they used a

template and will submit a corrected copy. The Board wants this submitted by Tuesday, June 17, 2014. Mr. Bell stated they do provide compounding for their customers. The Board advised Mr. Bell that as long as the pharmacy is in compliance with their stipulation, he would not need to meet with the Board for a year. The Board asked to meet with Mr. Bell in July 2015. **Hurricane Pharmacy is not compliance with their stipulation because the P&P were received late.**

4 Care Pharmacy/Dan Bowlin, probation interview

Mr. Bowlin met with the Board regarding the 4 Care Pharmacy's probation interview. Mr. Bowlin is the new pharmacist in charge. Mr. Garn conducted the interview. Mr. Bowlin stated he reviewed the stipulation and is working to ensure the pharmacy is in compliance. The manuals are now up to date. The Board noted that 4 Care Pharmacy's probation term is from 01/29/2013 to 01/29/2015. As long as the pharmacy stays in compliance with the stipulation he will not have to meet with the Board again. The pharmacy will need to pass one more inspection before the end of the probation and Ms. Call will submit this request to investigations. **4 Care Pharmacy is in compliance with the stipulation.**

NEXT SCHEDULED MEETING:

June 24, 2014

2014 Board Meetings:

2014 Board meetings tentatively scheduled:
June 24, July 22, August 26, September 23, October 28, November 18 (changed from 25), December 16 (changed from 23).

ADJOURN:

Motion to adjourn at 2:15 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.

Date Approved

6/25/14

Date Approved

(ss) _____

Chairperson, Utah Board of Pharmacy

(ss) _____

Bureau Manager, Division of Occupational & Professional Licensing

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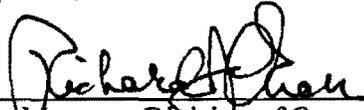
Date Approved

(ss)



Chairperson, Utah Board of Pharmacy

(ss)



Bureau Manager, Division of Occupational & Professional Licensing