MINUTES

UTAH
BOARD OF PHARMACY
MEETING

July 22, 2014

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

CONVENED: 8:29 A.M.

ADJOURNED: 12:58 P.M.

Bureau Manager: Richard Oborn
Board Secretary: Lee Avery

Board Members Present:
David Young, PharmD, participating via telephone
Derek Garn, R.Ph., Acting Chairperson
Andrea Kemper, PharmD
Greg Jones, R.Ph.
Jan Bird, CPhT
Kelly Lundberg, Ph.D.

Board Members Absent:
Carl "Trip" Hoffman, PharmD

DOPL Staff Present:
Ray Walker, Division Enforcement Counsel
Connie Call, Compliance Specialist
Missy Stoffel, DOPL Investigator
Travis Drebing, DOPL Inspector
Dan Briggs, DOPL Investigation Supervisor
Lynn Hooper, DOPL Investigator
Sherilee McIntyre, DOPL Investigator
Camille Farley, DOPL Investigator

Guests:
Janet Head, Eagle Gate College Group
Rebecca Edwards, Eagle Gate College
Donelle Perez, Peterson's Pharmacy
Jeremy Hogan, Eagle Gate College
David Nay, Express Scripts
Glade Baldwin, Hyland Pharmacy
Brandon Cressall, Harmons
Kavish Choudhary, U of U
Greg Jensen, Target
Jonathan Starr, Walgreen's
Jacob Corsi, Isomeric
Erin Johanson, Roseman University
Travis Tolley, PEHP

Kyle Anderson, Med Quest Pharmacy
Dave Cheney, Associated Food Stores
Dave Davis, UFIA/URMA

ADMINISTRATIVE BUSINESS:

Rule hearing for proposed amendments to Pharmacy Practice Act Rule (Utah Admin. Code R156-17b)	Ms. Jennie Jonsson conducted the rule hearing for Utah Admin. Code R156-17b.
Annual appointment of Board Chair	Mr. Jones made a motion to nominate Mr. Garn as the new Board Chair. The motion was seconded by Dr. Lundberg. There were no other nominations. There was no further discussion. The motion carried unanimously.
Minutes	The Board reviewed the minutes dated June 24, 2014. Dr. Lundberg made a motion to accept the minutes with changes. The motion was seconded by Mr. Jones and carried unanimously.
Proposal to meet bimonthly rather than monthly	Mr. Oborn reviewed with the Board a proposal for the Board to meet bimonthly rather than monthly. The Board decided to continue meeting monthly for discussion of the laws and rules and meet with probationers every other month. The Board will physically meet with any probationer who is not in compliance with their stipulation at the next Board meeting.

DISCUSSION ITEMS:

1. Investigation report	Mr. Briggs reviewed the pharmacy investigation actions taken by the Division against licensees for June 2014. Mr. Briggs noted that there were administrative actions that included signed stipulations by both the pharmacist and a pharmacy owner. Mr. Briggs introduced Sherilee McIntyer as a new pharmacy inspector and Camille Farley as a new pharmacy investigator.
2. Compounding Task Force report	Mr. Corsi advised the Board that the Compounding Task Force is currently working on compounding for office-use by physicians. The committee contacted other states to find out how they allow for a pharmacy to sell to a practitioner for office use. Mr. Corsi stated that this is a new process for some states. Some states only allow pharmacies inside their state to sell

compounded drugs for office use.

The Board reviewed proposed language for R156-17b-624 and suggested the following changes:

(1)(e) the name of the clinic or practitioner ordering the drug;

(2) An inventory record of a repackaged or compounded drug shall be kept in the pharmacy in compliance with R156-17b-605 and , if applicable, R156-17b-614a(3). The inventory record shall include the clinic's or prescriber's order indicating, if applicable, the formula and quantity ordered.

(3) A pharmacy that compounds drugs for office use administration shall maintain a log of all compounded drugs for office use and shall monitor for recalled components. The log shall include the name of compounded products and ingredients, supplier's identification (lot numbers), expiration dates, product preparation date, and the name of the ordering clinic or prescribing practitioner. If a component is recalled, the compounding pharmacy shall notify the practitioner and the practitioner is responsible to notify the patient for the reporting of any adverse reaction or complaint in order to facilitate a recall of batches of compounded medications.

(6)(c) include USP 795 at the end.

(6)(b) replace with the following:
Shall not exceed a 90 day supply or that is necessary to accurately compound the preparation. The 90 day supply shall be determined by the average number of dosage units administered at the clinic of said preparation is used during the expected previous 6 month period.

The Board discussed adding a requirement that both the pharmacy and practitioner be located in Utah. Mr. Oborn will contact NABP and the FDA as a resource for language to use and will share the proposed language with the Board members. Mr. Oborn asked Mr. Corsi to share the proposed language with the Task Force.

3. Proposed amendments to define standards for non-sterile compounding for office use permitted under SB 77	The Board reviewed proposed amendments to define standards for non-sterile compounding for office use permitted under SB77. Mr. Oborn noted that this law gives the Division authority to establish standards for non-sterile compounding for office use. Mr. Oborn will contact the FDA for clarification. The Board would like to review this again at the August Board meeting.
4. Utah practitioner use of NABP PMP InterConnect program	Mr. Marv Sims, controlled substance data base program manager, introduced the NABP PMP InterConnect program to the Board. Mr. Sims stated this program started on June 17, 2014. Mr. Sims stated the users need a current browser for full functionality of the program. Currently there are 26 states using this program and they expect to add more soon. The program now includes a small drop down menu with only a few states listed from which to obtain controlled substance information. Mr. Sims anticipates that the practitioners will be able to access information from most other states participating in the InterConnect program by October.
5. Proposal to require that pharmacies report to CSD more frequently	Mr. Walker advised the Board that he, Mr. Young and Mr. Steinagel reported to the Utah Legislature regarding the CSD real-time reporting project. They reported that the real-time project was a success; however, additional funding will be required to make it broader. The Board was interested to move from weekly batch reporting to daily batch reporting. Mr. Walker noted that Utah would need to make a rule change before daily batch reporting could be required. Mr. Jones made a motion to: (1) recommend the Division amend the rule to require that pharmacies report to the CSD on a least a daily basis; and (2) recommend that the Legislature fund changes and updates to the database to improve it and make it more useful to pharmacies and practitioners. The motion was seconded by Dr. Lundberg and carried unanimously.
6. Requirement for pharmacies to enter and transmit ID numbers to CSD	Mr. Oborn reviewed the concern regarding the requirement for pharmacies to enter and transmit ID numbers to the CSD. Mr. Oborn emphasized that it is the position of the Division that Utah Code 58-37f-203

(2)(e) requires that pharmacies submit to the CSD positive identification of the individual picking up the prescription, including the type of identification. There has long been a question about what is considered to be positive identification. Some pharmacies accept any type of official looking picture identification, such as a Costco card. More research should be done how to define positive identification in the Controlled Substance Database Act Rule. Mr. Oborn will research this and report his findings to the Board at a future meeting. The Board requested the Division clarify this issue in a newsletter until it is updated in the rule.

7. Amendment to R156-17b-615 (21) to clarify that a Class C and D pharmacy cannot be located at same address

Mr. Oborn advised the Board that R156-17b-615 (21), does not address whether it is acceptable to have a Class D and Class C pharmacy at the same address. We are now licensing many Class C pharmacies located outside Utah. The rule should be amended to add language expressly prohibiting a Class D and Class C pharmacy being located at the same address. Ms. Bird made a motion to change the wording to clarify that no pharmacy of any classification can be located at the same exact address of another pharmacy. The motion was seconded by Ms. Kemper and carried unanimously.

8. Physician dispensing rules and other rules prompted by 2014 Legislative Session

Mr. Oborn advised the Board that the group had another meeting and things are moving forward with this group. Mr. Oborn will have language for the Board to review at the August meeting.

9. Other proposed rule amendments

None.

10. DEA Pharmacy Diversion Awareness Conference, Aug. 23 & 24

Mr. Oborn advised the Board that there is a DEA Pharmacy Diversion Awareness Conference on August 23 and 24. The Division will have the DOPL investigators attend. They will give a presentation that focuses on new laws. Mr. Oborn noted that the proposed rules in pending right now will be in effect when this conference begins.

Not on the agenda:

Mr. Young advised the Board that effective August 18, 2014, the federal government will reschedule Tramadol as a schedule IV, rather than a schedule V.

As a result, pharmacies cannot provide a patient refills for it for a full year. Beginning August 18, patients will only be able to get a six month supply. Mr. Oborn stated he will add this to the newsletter.

APPOINTMENTS:

Connie Call, compliance report

At 10:52 A.M., Dr. Lundberg 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 Mr. Jones and carried unanimously. There was no recording made. There were no written notes. The Board meeting opened at 11:11 A.M.

Ms. Call advised the Board that Mr. Scott Williams sent her a request for early termination of his probation. Mr. Jones made a motion to deny his request because it is too early. The motion was seconded by Dr. Lundberg and carried unanimously.

Ms. Call advised the Board that Mr. Clell Fowles submitted a request for early termination of his probation. Dr. Lundberg made a motion to deny his request. The motion was seconded by Mr. Jones and carried unanimously.

The Board reviewed the resume Mr. Powelson submitted to determine if he is approved to complete the supervisory reports for Tremonton Pharmacy. Ms. Bird made a motion to accept Mr. Brent Powelson as the supervisory for Tremonton Pharmacy. The motion was seconded by Ms. Kemper and carried unanimously.

Kirt Wray, telephonic probation interview

Mr. Wray met with the Board. His interview was conducted via telephone. Ms. Kemper conducted the interview. Mr. Wray stated that his new job is going well. He is traveling and really enjoying it. The Board noted that his employer submitted a positive report. The Board is concerned that his prescriptions are being submitted late. Ms. Call will send him a list of the medications for which the Board needs a current prescription. The Board advised Mr. Wray that he has 48 hours to submit his prescriptions from the date they were written to be in compliance with his stipulation. The Board is more willing to amend probationer's

stipulations when there is a history of compliance. **Mr. Wray is not in compliance with his stipulation because he failed to submit prescriptions for the some of the medications for which he is tested positive.**

Sheryl Ledet, probation interview

Ms. Ledet met with the Board for her probation interview. Dr. Lundberg conducted the interview. Ms. Ledet stated she is doing well. Her recovery is going well. She is in a really good place now and has no thoughts of relapse. She has a support system and a plan in place. Ms. Ledet stated she has been clean for eight years. The Board noted that Ms. Ledet requested early termination of her probation when she met with the Board in April 2014. **Dr. Lundberg made a motion to terminate Ms. Ledet's probation. The motion was seconded by Ms. Bird. The motion was carried unanimously.**

Glade Baldwin, first probation interview

Mr. Baldwin met with the Board. This is his first interview. Mr. Jones conducted the interview. Mr. Jones reviewed the role the Board will have during Mr. Baldwin's probation. Mr. Baldwin reviewed the extensive list of violations with which he was charged. Mr. Baldwin stated he would like to have Ms. Lisa Burrup as his PIC and supervisor. The Board advised Mr. Baldwin he needs to find a supervisor who is not his employee. Once he finds someone, he will need to submit their resume to the Board for approval. The Board encouraged him to find someone who has experience in compounding, since most of his violations were compounding related. Once he chooses a supervisor the Board wants a report from the supervisor indicating he has made the required changes, and his policy and procedures are in order, to be in compliance with the stipulation. The Board is okay with Ms. Burrup as his PIC. She has worked for him for ten years and should not need additional training. The Board advised Mr. Baldwin that he needs to provide documentation to the Board that all violations have been corrected. He will need another inspection before he can have the suspension on his license lifted. The Board advised Mr. Baldwin that he needs to stop compounding until the pharmacy passes inspection. The Board encouraged him to complete the administrative business that he needs to do as the

owner of the pharmacy during the times when the pharmacy is closed for business. The Board advised Mr. Baldwin that his P&P looks okay except for page 11. He needs to clean this page up and resubmit it. The Board advised Mr. Baldwin that the supervisor's resume needs to be submitted by October 1, 2014. The Board asked to see Mr. Baldwin on October 28, 2014. **Mr. Baldwin is in compliance with his stipulation.**

NEXT SCHEDULED MEETING: August 26, 2014

2014 Board Meetings: **2014 Board meetings tentatively scheduled:** August 26, September 23, October 28, November 18 (changed from 25), December 16 (changed from 23).

ADJOURN: Motion to adjourn at 12:58 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.

8/26/14
Date Approved

(ss) Derek
Chairperson, Utah Board of Pharmacy

8/26/14
Date Approved

(ss) Richard
Bureau Manager, Division of Occupational & Professional Licensing