

**MINUTES
UTAH
BOARD OF PHARMACY
MEETING**

**February 24, 2015
Heber M. Wells Bldg.
Room 474, 4th Floor – 8:30 A.M.
Salt Lake City, UT 84114**

CONVENED: 8:30 A.M.

ADJOURNED: 11:57 A.M.

DOPL Director
Board Secretary:

Mark Steinagel
Lee Avery

Board Members Present:

Derek Garn, R.Ph., Chairperson
David Young, PharmD
Andrea Kemper, PharmD
Jan Bird, CPhT
Kelly Lundberg, Ph.D.
Carl "Trip" Hoffman, PharmD
Greg Jones, R.Ph.

DOPL Staff Present:

Connie Call, Compliance Specialist
Ray Walker, Div. Enforcement Counsel
Dan Briggs, Investigation Supervisor
Dave Furlong, DOPL Chief Investigator
Lynn Hooper, Lead Investigator
Sharilee McIntyre, DOPL Investigator
Travis Drebing, Pharmacy Inspector
Camille Farley, DOPL Investigator
Jennifer Healey, Pharmacy Inspector

Guests:

Rob Smith, Rock Canyon
Wayne Jones, UT Pharmacist Association
Andy Steffen, SLRMC DOP
Ken Knapp, JVMC DOP
Renee Petty, SLRMC Manager
Donelle Perez
Greg Jensen, Target
Tamara Horrocks, IHC
Nicole Houghton, IHC
Paige Patterick, Smiths
Trevor Larsen, Intern
Allison Mooney, Intern
Shaylynn Iverson, JVMC
David Nay, ESI
John Wendt

Linda Sandberg
Jared Memmott, MCP
Sepideh Daeery
Matthew Ray, CVS
David Cheney, Associated Food Stores
Kavish Choudhary, U of U
Bill Stilling, Parsons Bahle & Latimer
Dean Jolley, Jolley's
Tad Jolley, Jolley's Pharmacy Redwood
Lynnette Winget, DEA
Dave Davis, UFIA/URMA
David Peterson, U of U

ADMINISTRATIVE BUSINESS:

Minutes

The Board reviewed the minutes dated January 20, 2015. Ms. Bird made a motion to accept the minutes with changes. The motion was seconded by Mr. Hoffman and carried unanimously.

Legislative issues, Senator Vickers

Taken out of order on the agenda:

Senator Vickers met with the Board and reviewed the 2015 bills that could affect the pharmacy profession. S.B. 158 - includes all of the changes recommended by the Pharmacy Board.

S.B. 119 - requires a search warrant by police agencies to access the controlled substance data base.

H.B. 135 - is a clean up from the physician exemption.

S.B. 102 - online pharmacy amendments requiring these pharmacies to adhere to the laws of the state they are dispensing in.

H.B. 279 - prescription notification amendments defines interchangeable biological products. Requires a pharmacist to notify the prescriber when a biological product is dispensed and an interchangeable biological product is available. Mr. Young made a motion to send a letter to Representative Brad Dee and Members of the Utah State Legislature regarding the Boards position regarding HB 279. The Boards concerns are that the bill not impose new workflows on pharmacies in the case of cash customers and that the requirement that the Board maintain a list of current interchangeable biological products on its website be removed from the bill.

The motion was seconded by Ms. Bird and carried unanimously.

Representative Vickers also reviewed the death with dignity act and the medical marijuana bill with the Board and encouraged Board members to contact him with any questions.

DISCUSSION ITEMS:

1. Investigation report

Mr. Furlong reviewed the Pharmacy Investigation Report for January 2015. Let him know if you have questions.

2. Compounding Task Force report

Out of order on the agenda:

Mr. Hoffman advised the Board that the Compounding Task Force Committee met February 17, 2015.

Mr. Hoffman shared with the Board that Domperidone can only be compounded under certain circumstances. It can only be used for prescribers who have IND and only for gastroparesis.

Domperidone is currently in line to be considered by FDA for inclusion on FDS's approved compounding ingredients. USP is also in process of writing a monograph for Domperidone. If these actions take place then it will become compliant with FDA regulations and approved compounding ingredient.

Mr. Hoffman stated it was his understanding that a pharmacy has been cited for compounding Domperidone. Mr. Furlong stated that no pharmacies have been cited at this time.

The Task Force Committee had some recommended changes regarding what is allowed on prescription pads. DOPL Investigators and DEA would like to discuss this further. Mr. Hooper, DOPL Investigator, will set up a meeting and invite interested stakeholders.

3. Compliance Report

Dr. Lundberg motioned to close the Board meeting at 9:44 A.M. to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded by Ms. Bird and carried unanimously. The Board meeting opened at 10:04 A.M. There were no written notes taken. A recording was not made.

4. NABP Annual Meeting, May 16-19, 2015 Tabled to the March Board meeting.

APPOINTMENTS:

Katherine Keller, probation interview

Ms. Keller met with the Board. Dr. Lundberg conducted the interview. Ms. Keller stated that she self reported her current relapse. She has no excuses and feels bad. She is dealing with a lot of internal issues and a lapse of judgment. She talked to her therapist and sponsor about them. The Board expressed concern that her previous self assessments to the Board indicated that things were going well and she had no cravings. Ms. Keller stated that she has maintained long periods of sobriety in the past. She is seeing a new therapist and is finding her style more helpful. She plans to continue working with her new therapist, her sponsor and taking it day by day. She sees her therapist two times a week and attends support groups one to two times a week. She has not advised her employer of her relapse. The Board encouraged her to talk with her employer about it. The Board noted that there are several options the Board could recommend to the Division, ie:

1. Recommend a fine;
2. Recommend further restrictions on her license and/or
3. Recommend revocation/suspension of her license.

The Board advised Ms. Keller that the Board is not recommending a fine or changing her probation this time. However, she needs to have her employer send Ms. Call a letter stating that she knows of Ms. Keller's current relapse. This needs to be submitted in two weeks from today. She needs to have her therapist submit her paperwork to Ms. Call and the Board will be looking at her self evaluations more. The Board advised Ms. Keller that as long as she is in compliance with her stipulation the Board will see her June 23, 2015. **Ms. Keller is not in compliance with her stipulation because she had a relapse.**

Jilbear Hatch, first probation interview

Mr. Hatch met with the Board. Mr. Jones conducted the interview. Mr. Jones advised Mr. Hatch that the Boards role is to help probationers through the probation process. He needs to contact Ms. Call with any questions or concerns. Mr. Hatch reviewed the circumstances that brought him before the Board, noting that he is an alcoholic. His first DUI was in

2010, second was in 2013. His third DUI was a felony. He will start Felony Drug Court next week. He is 233 days sober and every day gets easier. Mr. Hatch asked the Board to consider accepting the drug testing results from Drug Court. The Board wants him to do random UAs with DOPL. The Board recognizes that drug court requires Mr. Hatch to do random drug screens and the financial burden associated with having to pay for two drug screens for the two probations. The Board encouraged him to see if the courts will forward copies of his drug screens results to Ms. Call. After reviewing several of these drug screens the Board may consider accepting these. Mr. Hatch stated his family has been a good support to him during this process. His pharmacy intern rotation is going well. His supervisor is aware of his situation and is supporting him. He is scheduled to finish school May 2016. He relies on his family and friends more, and is more open to ask for help. Mr. Hatch stated he is being treated for depression and is seeing a psychiatrist. The Board reviewed the terms of his stipulation. The Board asked Mr. Hatch to contact Ms. Call to get set up on the Affinity System. The Board asked to see Mr. Hatch June 23, 2015 as long as he stays in compliance with his stipulation. **Mr. Hatch is in compliance with his stipulation.**

Dennis Beasley, future applicant for pharmacist re-licensure

Mr. Beasley met with the Board. Mr. Garn conducted the interview. Mr. Beasley's drug screens have been negative. The Division received his employer, therapy, self assessment and 12 step attendance. Mr. Beasley reviewed his history with the Board. He noted that his license was placed on probation March 2010. In 2012 his license was revoked because he left the state and failed to keep his appointments, do random drug screens or stay in compliance with his stipulation with the Board. Mr. Beasley stated he has gone through treatment and believes he is now ready to practice again as a pharmacist and would like to reinstate his license. He completed some continuing education hours and is seeing a psychologist. He wants to know what the Board wants him to do to reinstate his pharmacist license. The Board advised Mr. Beasley that he needs to obtain his FPC background check. The Board is concerned that he was not in compliance with his stipulation

since he started probation. If he is granted a probation license, he would need to be in compliance all the time. Mr. Jones made a motion to recommend the Division issue Mr. Beasley a probation license if Mr. Beasley agrees to:

1. Complete all requirements of his previous stipulation.
2. Complete a thinking errors class.
3. Take the PARE exam through NABP
4. Keep the same terms, for 5 years.

The motion was seconded by Mr. Young and carried unanimously.

Dave Peterson, presentation regarding DEA Final Rule Regarding Secure and Responsible Drug Disposal Act of 2010

Mr. Peterson met with the Board and reviewed a presentation regarding DEA Final Rule Regarding Secure and Responsible Drug Disposal Act of 2010 and Disposal of Controlled Substances Rule 2014.

Not on the agenda:

Mr. Young noted that as of April 1, 2015 DOPL will no longer pre approve exams. The candidate will apply directly with NABP to take the exam. Mr. Young will monitor this and report back to the Board.

NEXT SCHEDULED MEETING:

2015 Board Meetings:

2015 Board Meetings Tentatively Scheduled

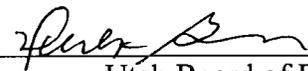
March 24, April 28, May 26, June 23, July 28, August 25, September 22, October 27, November 17, December 15

ADJOURN:

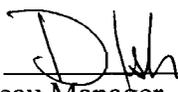
Motion to adjourn at 11:57 A.M.

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.

3-24-15
Date Approved

(ss) 
Chairperson, Utah Board of Pharmacy

3.24.15
Date Approved

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