

**MINUTES  
UTAH  
BOARD OF PHARMACY  
MEETING**

**May 26, 2015  
Heber M. Wells Bldg.  
Room 474, 4th Floor – 8:30 A.M.  
Salt Lake City, UT 84114**

**CONVENED: 8:30 A.M.**

**ADJOURNED: 12:00 P.M.**

**Bureau Manager  
Board Secretary:**

Dane Ishihara  
Lee Avery

**Board Members Present:**

Derek Garn, R.Ph., Chairperson  
David Young, PharmD  
Jan Bird, CPhT  
Greg Jones, R.Ph.  
Andrea Kemper, PharmD

**Board Members Excused:**

Kelly Lundberg, Ph.D.  
Carl "Trip" Hoffman, PharmD

**DOPL Staff Present:**

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

**Guests:**

Donelle Perez  
Cameron Johnson  
Greg Jensen, Target  
Beca Pond  
Mckinzi Harmon, Medicine Center  
Mark Swanson, Genoa Healthcare  
Beth Johnson  
Paige Patterick, Smiths  
Jerry Dillon, WalMart  
James Ammon  
David Cheney, Associated Food Stores  
Bryan Horne, Isomeric  
Tim Rombach, WalMart  
Adam Kijek  
Kate Bradshaw  
Jacob Corsi, Isomeric

Sun Marshall, Panguitch Drug  
Adam Jones  
Kyle Anderson, Medquest Pharmacy  
Jared Memmott, MCP  
Bill Stilling

**ADMINISTRATIVE BUSINESS:**

Minutes

The Board reviewed the minutes dated April 28, 2015. Ms. Kemper made a motion to approve the minutes with changes. The motion was seconded by Ms. Bird and carried unanimously.

**APPOINTMENTS:**

Connie Call, compliance report

**PROBATIONERS MEETING WITH THE BOARD**

Ms. Marion Stott- Initial interview. She never contacted the compliance staff. Compliance received a phone call from her employer about her behavior. The Division received a phone call from Ms. Stott's sister on May 15, 2015 stating Ms. Stott was in the LDS Hospital (detoxing) and she would let Ms. Call know when she was released to reschedule an appointment to review her order.

Hurricane Pharmacy/JR Bell, noncompliance. Mr. Bell failed to submit the annual audit due May 1, 2015. He sent a letter explaining why he did not submit the annual audit on time. The non-compliance letter was mailed approximately 10 days late.

**Discussion:**

The Board noted that his supervisor, Mr. McEwen can do the annual audit too.

Mr. James Ammon, drug screens not required. He submitted all paperwork. Mr. Ammon submitted a letter requesting termination of his probation and his supervisor sent a letter of support. He completed 29 out of 60 months of probation.

**PROBATIONERS NOT BEING SEEN:**

Mr. Dustin Olsen - drug screens not required. He submitted all required paperwork. He also submitted his essay for the Board's review.

**Discussion:**

The Board reviewed his essay and accepted it. Mr. Scott Harris - nothing is due at this time.

Mr. William Cordova - drug screens not required. He submitted all required paperwork.

Mr. Clifford Holt - nothing is due at this time.

Mr. DeWayne Keysor - suspended.

Mr. Lloyd Thomas - nothing is due at this time.

Mr. Robert Smith - drug screens not required. He submitted his employer report but not a therapy report. He was sent a non-compliance letter. His therapist report was received late.

Mr. Roy Winegars Pharmacy/Ali Ghazvini - nothing is due at this time.

Mr. Glade Baldwin - nothing is due at this time.

Mr. Hyland Pharmacy/Lisa Burrup - nothing is due at this time.

Mr. Bryan Nichols - received all required paperwork. Employers are all happy with his work.

**SPECIAL REQUESTS AND MISCELLEANOUS ISSUES:**

Compliance made a mistake on Kyle Roosaert's information. In an email he was advised that his report was due May 1, 2015. His report was received late.

Orem Family Pharmacy updated their SOP Manual on April 10, 2015. They were asked to send the Division a copy to review.

Superior Care Pharmacy Inc. dba: Omnicare of SLC failed their inspection on March 25, 2015.

**Discussion:**

The Board would like to see them at the June Board meeting. They were issued a citation due to problems with their compounding.

**Not on the agenda:**

Mr. Garn noted that the Compounding Task Force Committee is meeting August 18, 2015.

The Task Force is currently may be adding new members in August. Interested parties may submit an email to Mr. Hoffman by July 31, 2015.

**APPOINTMENTS:**

Marianne Stott, new probation interview

Ms. Stott is unable to keep her appointment with the Board due to an illness.

Hurricane Pharmacy/JR Bell, probation interview

Mr. Bell met with the Board regarding Hurricane Pharmacy's probation interview. This interview was conducted via telephone. Mr. Young conducted the interview. Mr. Bell stated that things are going well. The pharmacy was robbed again and the individual has been arrested. The Board noted that Hurricane Pharmacy failed the inspection at the end of January. Mr. Bell stated they did not realize that some of the compounding flavorings did not have expiration dates. They have implemented a policy to mark the date the product was first opened. The Board noted that at his previous interview the Board asked Mr. Bell to submit an amendment to their SOPs. The Board wanted information specific to the items that placed the pharmacy's license on probation and the template information removed. This amendment has not been received. Mr. Bell stated he thought he submitted it and will resend. Mr. Bell stated that they completed the CS audit about the 30th of April and did not think about sending it to the Board until he received the letter from Ms. Call reminding him. Ms. Call advised Mr. Bell that the non compliance letters she sends out are not reminders. He needs to set up his own system. The Board reviewed Mr. Bell's request for early termination. Mr. Bell noted that they have fixed the problems that placed the pharmacy's license on probation. The Board noted the pharmacy's probation is scheduled to end April 2016 and the Board still has concerns. His amended SOPs not received. His audit information was received late and he failed this last inspection. Mr. Young motioned to deny his request for early termination of probation based on these concerns. The motion was seconded by Ms. Bird and carried unanimously. Mr. Young encouraged Mr. Bell

to submit the amended SOPs to Ms. Call by Friday May 29, 2015, include the paragraph on how to do inventories and if he passes one more inspection submit another letter requesting early termination of Hurricane Pharmacy's probation and the Board would reconsider his request at that time.

**Hurricane Pharmacy is not in compliance with their probation because they failed to submit the amended SOPs, the audit letter on time and pass the latest inspection.**

James Ammon, request for termination of probation

Mr. Ammon met with the Board regarding his request for termination of probation. Ms. Kemper conducted the interview. Mr. Ammon stated things are going well. He enjoys working at the hospital. The Board noted that his letter outlining what he learned was very well done. Mr. Ammon advised the Board that the incident that placed his license on probation happened ten years ago. He now has firm boundaries set and goes by the rules. He no longer cuts corners. Mr. Ammon stated that the Wyoming Board let him off probation March 2015. Ms. Kemper made a motion to terminate Mr. Ammon's probation, pending the Divisions approval. The motion was seconded by Mr. Jones and carried unanimously.

John Kijek, Associates Degree in Pharmacy Technology, pharmacy education requirement

Mr. Kijek met with Board to review his education. Mr. Kijek stated he received approval for the technician in training in Utah May 2009. He graduated with his associates degree in pharmacy technology from Utah Career College in December of that year (this program is no longer available). He did not apply for his pharmacy technician license once he completed his training because he moved to Texas. He has been working in Texas as a technician in training. He passed the ExCPT on April 16, 2015. He moved back to Utah and did not obtain a Texas license. He does not qualify for license by endorsement because he did not obtain a Texas license. Ms. Bird made a motion to approve his license. The motion was seconded by Ms. Kemper and carried unanimously.

Jill LeCheminant, NAPLEX exam

Ms. LeCheminant was unable to keep her appointment with the Board due to illness.

Bryan Horne/Jake Corsi 503B, new outsourcing facility/pharmacy

Mr. Horne and Mr. Corsi met with the Board. Mr. Horne stated they are currently licensed as a Class A pharmacy in Utah. They are in the process of opening an outsourcing facility/pharmacy at the same location. They will register with the FDA as an outsourcing facility and want to let the Board know what they will be doing.

Mr. Horne stated that FDA will do an inspection within two months and then every two years after that. FDA will require the following:

1. Compound sterile medications
2. Voluntarily register with FDA.
3. Plan to outsource to hospitals and physicians offices, and filling patient specific medications.
4. Follow current manufacturing processes instead of USP 797.
5. Clean rooms need environmental systems.
6. Consistently measures, temp, humidity, viable and non viable partials.
7. Process validate every step of the process and every machine used. To the highest degree needed.
8. Finished products tested every batch for sterility, potency, also testing technician, fingerprints, front of gown, hood, sleeve, to ensure sterile environment.

Mr. Horne stated that they feel that in Utah there is a need for an outsourcing facility. The last few years drug shortages have been an issue. Their facility will be able to compound medications when needed and help relieve these shortages. Outsourcing facilities are held to the same CMPG guidelines.

Mr. Corsi advised the Board that they had DEA look at the facility. DEA confirmed they do not recognize outsourcing registration with FDA. A facility is either compound patient specific or manufacturing. The Board reviewed a handout from DEA regarding their definitions of these terms.

Mr. Corsi noted that before they can register as a manufacture they need a State class C license. Current Utah rule indicates that there cannot be a class A or class C at the same address. They feel strongly they want to do both. They feel their facility is up to requirements and has the ability to provide both services. Mr. Corsi stated they will have separate inventories, different numbering systems, confined in one data base. There will be space to keep inventories separate. The Board expressed concern about

inventories being kept separate. DOPL Investigators can inspect the facility to ensure this is being done.

The Board discussed changing the rule to better define outsourcing facilities as well as more than one pharmacy at the same address. This might also require a statute change including language added to the unprofessional conduct section.

Mr. Ishihara stated that he will research why the rule was changed in the first place and will report back to the Board in June. He may also have some draft wording.

Sam Marshall and Alberto Vasquez, branch pharmacy in a mobile clinic

Mr. Marshall and Mr. Vasquez met with the Board regarding branch pharmacy in a mobile clinic. Mr. Marshall stated he represents a small hospital in Garfield county. They received a grant for a mobile clinic. They hope to have it operational by spring 2016. They want to take the clinic to rural areas. There will be four or five physicians as part of the staff. They would like a pharmacy in the mobile clinic. When the patient is given a prescription, it could be filled at the mobile pharmacy.

The Board expressed concerns regarding security, temperature control, how the drugs are handled when the clinic is not in use.

Mr. Velasquez stated there is a station they will plug the mobile in to keep the clinic cool during the summer and they will not operate the clinic during the winter. They also have generators to fall back on and will remove the drugs if necessary. The plan is to build a garage, with a security system, to house the mobile clinic when not in use. They will not provide schedule II drugs. They will have a set schedule when and where the clinic will be at all times. They will have a method for transporting drugs from the clinic to the parent pharmacy every night. The Board encouraged Mr. Velasquez to contact DEA for input. The Board might want to draft rules regarding a pharmacy in a mobile clinic.

#### **DISCUSSION ITEMS:**

##### 1. Investigation report

Mr. Briggs reviewed the Pharmacy Investigation Report for April 2015 and encouraged the Board to contact him with any questions.

2. Cashier bagging after final check by the pharmacist

The Board reviewed a concern where a letter was issued regarding a cashier bagging medications after the final check by the pharmacist. The Board reviewed Pharmacy Practice Act and Rule 58-17b-102 Definitions.

*(70) "Supportive personnel" means unlicensed individuals who: (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed pharmacy technician in nonjudgmental duties not included in the definition of the practice of pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as those duties may be further defined by division rule adopted in collaboration with the board;*

*R156-17b-607. Operating Standards - Supportive Personnel.*

*(1) In accordance with Subsection 58-17b-102(69)(a), supportive personnel may assist in any tasks **not** related to drug preparation or processing.*

Mr. Garn stated the Board feels the intent of the law is the preparation of processing before the prescription gets to the pharmacist.

Mr. Ishihara stated he talked with Mr. Furlong and they both agree with the Board.

3. Central processing rules and how to enhance commerce for the public

Mr. Young noted that the model act from NABP has some good language the Board may want to incorporate. The Board has definitions but no rules at this time. It would be difficult doing this during a Board meeting. If a quorum of Board members are involved, then this would have to be treated as a Board meeting. No further discussion was made.

4. Crash Kits, define standards for them

Mr. Ishihara noted that this was a statute change that requires a rule change. The rule change needs to be filed by November 11, 2015. Mr. Ishihara will obtain model language from NABP for review.

5. Change rule regarding real time or daily batch reporting.

Mr. Ishihara shared with the Board that the statute change requiring real time or daily batch was passed during the 2015 legislative session. The rule change for this will need to be filed before November 2015. Mr. Ishihara will invite Mr. Marv Sims from the CS Data Bank and DOPL's ITS support representative to the June Board meeting to update the Board regarding software updates.

**Not on the agenda:**

The Board noted that in June, two members will complete their term on the Board and inquired if there are any new Board members appointed yet. Mr. Ishihara will check out their status.

6. NABP Annual Meeting report, Mr. Garn and Mr. Ishihara

Mr. Garn reviewed the topics discussed at the NABP Annual meeting including providing education about the role of the pharmacists, exam and drug security, and adding DQSA- licensing outsourcing facilities to the class E section of the Utah Pharmacy statutes. Mr. Garn noted that as the role of the pharmacist increases, the role of the pharmacy technician will also increase.

**NEXT SCHEDULED MEETING:**

2015 Board Meetings:

**2015 Board Meetings Tentatively Scheduled**

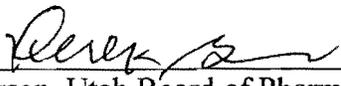
June 23, July 28, August 25, September 22, October 27, November 17, December 15

**ADJOURN:**

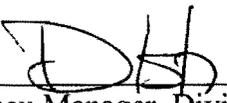
Motion to adjourn at 12:00 P.M.

*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.*

6/23/15  
Date Approved

(ss)   
Chairperson, Utah Board of Pharmacy

6/23/15  
Date Approved

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