

**MINUTES
UTAH
BOARD OF PHARMACY
MEETING**

**June 23, 2015
Heber M. Wells Bldg.
Room 474, 4th Floor – 8:30 A.M.
Salt Lake City, UT 84114**

CONVENED: 8:04 A.M.

ADJOURNED: 1:08 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
Kelly Lundberg, Ph.D.
Carl "Trip" Hoffman, PharmD

Board Members Excused:

DOPL Staff Present:

Sharon Bennett, 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
Camille Farley, DOPL Investigator
Shairlee McIntyre, DOPL Investigator
Mark Anderson, Invest. Technician
Marv Sims, CS Database Admin.

Guests:

Buck Stanford, Intermountain Healthcare
Keerstin Throm, Intermountain Healthcare
David Cheney, Associated Food Stores
Paige Patterick, Smiths
Donelle Perez,
James Ruble, U of U
Jeanne Brennan
Cameron Johnson
Beth Johnson, Intermountain
Bill Stilling, Parsons, Behle & Catimer
Mike Monson
Kate Bradshaw

Jon George, Smiths

ADMINISTRATIVE BUSINESS:

Minutes

The Board reviewed the minutes dated May 26, 2015. Dr. Lundberg made a motion to accept the minutes with changes. The motion was seconded by Ms. Kemper and carried unanimously.

Nominate Board Chairperson

Mr. Greg Jones was elected the new Board Chairperson.

Investigation Report

Mr. Furlong reviewed the investigation report for May 2015. Mr. Furlong noted that the Division changed the way reports are being generated and as a result the numbers are different this time. Investigations needed to go back twelve months for the data. His report to the Board in July will reflect more current data.

Mr. Sims met with the Board and reviewed the software updates regarding daily reporting. Mr. Sims stated the statute becomes effective July 1, 2015 and everyone needs to be in compliance by January 1, 2016. About 20% of pharmacies have already transitioned over to daily reporting. Mr. Sims advised the Board that the framework, software and hardware are outdated and he is working with the State DTS personnel for an estimated cost to upgrade the current system which has not been updated since the program began.

Sharon Bennett, compliance report

At 8:58 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. Young and carried unanimously. There were no written notes. A recording was not made. The Board meeting opened at 9:13 A.M.

APPOINTMENTS:

Kyle Rootsart, probation interview

Mr. Rootsart is requesting early termination of probation. Mr. Garn conducted the interview via telephone. Mr. Rootsart stated things are going well. The Board reviewed Mr. Rootsart's request for early termination of his probation. His probation term is April 11, 2012 to April 11, 2017. Mr. Rootsart has

completed half of his probation term. Mr. Rootsart stated he is still on probation with the California State Board for five more years. The Board wants more information regarding Mr. Rootsart's probation with the California State Board and tabled the discussion regarding early termination until the July Board meeting. Mr. Ishihara will contact the California State Board for more information.

Reams Pharmacy - Richard Perry/Laura Perry

Mr. Perry and his daughter, Ms. Perry met with the Board regarding Reams Pharmacy license on probation. Mr. Hoffman conducted the interview. Ms. Perry reviewed the training program they implemented for their personnel. The Board noted that these steps have appeared to be a positive.

Ms. Perry stated they have researched CE classes related to 795 and 797 and have not found classes to attend. Most courses have been in two hour increments. Ms. Perry noted that the stipulation requires completion of four hours and asked if this could be reduced to two hours. Mr. Hoffman made a motion to change the CE hours from four hours to two hours. The motion was seconded by Dr. Lundberg and carried unanimously. Ms. Perry reviewed the new policy they implemented regarding compounding. When changes are made, they notify staff via email. Mr. Perry continues to provide most of the compounding. However, Ms. Perry is doing some compounding now that she has received training. Ms. Bird made a motion to give Ms. Perry three months from today, June 23, 2015, to complete the CE course. The motion was seconded by Ms. Kemper and carried unanimously. **Reams Pharmacy is in compliance with the stipulation.**

Superior Care Pharmacy dba: Omnicare -
Brian Wood, probation interview

Mr. Wood met with the Board regarding Superior Care Pharmacy, dba: Omnicare's license on probation. Ms. Bird conducted the interview. Ms. Bird advised Mr. Wood that he is meeting with the Board again because Superior Care Pharmacy, dba: Omnicare failed their last inspection. Mr. Wood stated that there were two different violations they were cited for: A technician in the sterile compounding was found using incorrect garbing and aseptic technique. Mr. Wood noted that the technician involved has received additional training. The Board reviewed the letter Mr. Wood

submitted regarding the violations and corrective actions. The Board noted that the current P&Ps are not working and encouraged him to do his own random inspections because another failed inspection may result in the license being revoked. The Board asked to see Mr. Wood September 22, 2015.

Superior Care Pharmacy, dba Omnicare is not in compliance with their stipulation because they failed another inspection.

Erek Montoya, Pharmacy Tech Trainee,
review CH

Mr. Montoya met with the Board.

At 9:45 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 Ms. Bird and carried unanimously. There were no written notes. A recording was not made. The Board meeting opened at 10:23A.M.

The Board gave Mr. Montoya some directions and would like to meet with him July 28, 2015.

Dennis Beasley, new probation interview and
review evaluation

Mr. Beasley met with the Board. Dr. Lundberg conducted the interview. Mr. Beasley stated he is studying for the PARE exam. The stipulation states he has one year from the date of the stipulation to take and pass this exam. The Board encouraged him to contact Clinical Consultants to take the "Thinking Errors Class" as soon as possible because he needs to have his essay completed within a year, too. Ms. Bennett stated she will review his stipulation with him and to contact her for an appointment. Mr. Beasley stated he is attending NA support groups two times a month and plans to continue attending these meetings. They have been very helpful. He is having problems finding employment. The Board encouraged him to contact 4th Street Clinic and volunteer his time. He will need to submit a practice plan whether or not it is a paid position. The Board advised Mr. Beasley that his reports are due monthly and the Board will see him quarterly. The Board asked to see Mr. Beasley September 22, 2015. **Mr. Beasley is in compliance with his stipulation.**

Jill LeCheminant, NAPLEX exam

Ms. LeCheminant met with the Board to request authorization to take the NAPLEX again. She failed the exam two times and needs authorization to retest.

Ms. LeCheminant reviewed the steps she is taking to study for the NAPLEX exam. She reviewed the changes she made and the additional things she is doing to better prepare herself to retake the exam. She is now using flash cards and feels these are helping her. Ms. LeCheminant shared that she is having some anxiety about taking the exam. However, she would like to test again in August. The Board encouraged her to look for things she can do to help reduce the stress. Dr. Lundberg made a motion to approve Ms. LeCheminant to take the NAPLEX exam again. The motion was seconded by Ms. Kemper and carried unanimously.

Brian Cook, MPJE exam

Mr. Cook met with the Board to request authorization to take the MPJE again. He failed the exam two times and needs authorization to retest. The Board recommended Mr. Cook print out the DOPL statutes and rules and obtain the federal information from the "Pharmacist Manual DEA."

Dr. Lundberg made a motion to approve Mr. Cook's request for approval to take the MPJE again. The motion was seconded by Mr. Hoffman and carried unanimously.

Dima R. Rahwan, MPJE Exam

Ms. Rahwan met with the Board to request authorization to take the MPJE. Ms. Rahwan reviewed the processes she has taken in the past to take the exam. The Board encouraged her to contact Mr. Jim Rubles, U of U professor. Mr. Rubles has a course he provides students at the U of U. He may be willing to sell her study material that he developed. If she does a Google search for "Pharmacist Manual DEA" this will give her federal information.

Dr. Lundberg made a motion to approve Ms. Rahwan to take the MPJE again. The motion was seconded by Mr. Young and carried unanimously.

UPS Supply Chain Solution, Class C (class E and D at the same address) - Ms. Shannon Grimes

Mr. Ishihara reviewed the UPS Supply application with the Board. UPS Supply Chain Solution is requesting a class C pharmacy license. They currently hold a class E and class D at the same address. Ms. Shannon Grimes was contacted via phone. Included in the conference call from UPS Supply was Amy Carney, Pete Vowles, Kevin Pitre and Christine Cassetta.

Ms. Grimes advised the Board that UPS Supply is a third party logistic provider. They are applying for the class C pharmacy license because of current changes with the Federal and State laws.

The Board reviewed the Utah Statutes and rules and noted that in statute the definition of a class D is nonresident pharmacy. The definition of class D in rule has not been updated yet. The current rule is in conflict with Federal law. The Board feels they do not need a class C license. Ms. Grimes will submit a written request to withdraw the application.

Christopher Simmler, Pharmacy Intern license documentation

Mr. Simmler met with the Board. Mr. Simmler stated that he needs the Pharmacy Board's help in becoming licensed as an intern in Utah. He was fully licensed as a pharmacist in another state, however, that license expired December 2011. He is attempting to obtain a Utah Intern license while he is residing in Utah. The rules indicate that such a license is only issued to current students in a pharmacy program, those that have a doctorate degree, or those from a foreign country who have established equivalency standards. Mr. Simmler stated that his situation is different. He has a BS in Pharmacy. He stated that TBS has been grandfathered into acceptable practice standards, and there are "literally tens of thousands of pharmacists with a BS." He is not seeking a license to practice in Utah right now. He wants an intern license to gain practice hours for reinstatement of his pharmacist license in another State. The Board reviewed the requirements for a pharmacy intern, noting that he does not meet the education equivalency criteria.

Mr. Walker noted that Utah statutes do not authorize the Board to give Mr. Simmler an intern license and the grandfather clause Mr. Simmler is referring to has been removed from the statutes and rules because effective time has expired. Mr. Walker advised Mr. Simmler that if he feels the statutes and rules are not being interpreted correctly, he could submit an application. The Division would deny the application because he does not meet education requirements. He could then appeal the denial. This appeal would be reviewed by the Administrative Law Judge. Mr. Simmler thanked the Board for meeting with him.

DISCUSSION ITEMS:

1. Time frame for temporary pharmacy applications submitted to DOPL

Mr. Ishihara shared with the Board concerns the DOPL staff are experiencing regarding the four month temporary license issued to all pharmacies before an inspection has been completed. Applicants are applying for this license more than four months before they expect to open their business. The problem is that frequently the applicant is not ready to open their pharmacy.

Mr. Ishihara noted that this is not defined in statute or rule. The Board discussed changing the time frame to six months, and making clarifications in the application instructions and the letter to the pharmacy owner stating that if they do not meet the standard before the temporary license expires, their application will be denied.

2. Recycling prescription drugs.

The Board reviewed the information packet regarding "Drug recycling, utilization of unused prescription drugs" and feels this is something the Board wants to explore further for inclusion into the Utah Pharmacy Practice Act and rule. This topic will be tabled at this time and will be added to another agenda.

3. Class B administration facility licensing questions

Mr. Hooper advised the Board that an individual applied for a pharmacy administration facility license for a clinic. When doing their inspection it was found that there are several clinics within the building (pediatrics, eye center and podiatric, for example). They inquired if each clinic needed a separate pharmacy license or if one pharmacy could provide for all clinics in the building. As investigations reviewed the statutes and rules, it seemed that each clinic would need their own license. The Board briefly reviewed the new federal drug supply chain security act statute that will be effective July 2015. This will require the pharmacy to review medications that come in to ensure the package is not from out of the country. This act requires facility licenses to meet the track and trace requirement. There are strict federal guidelines they will need to follow.

As medication comes into the pharmacy, they need to look at the package to make sure it is not from outside the country. They will have a consulting physician and will respond to the physicians in the clinic. The class A pharmacy in the building will continue

working with the public. The person with the power of attorney will order the drugs.

The Board felt that they could apply for a class B pharmacy license and this would encompass all of the physicians inside the building. There would be no change in how the class A pharmacy operates.

4. Draft various administrative rules

The Board tabled this discussion until the July Board meeting.

NEXT SCHEDULED MEETING:

2015 Board Meetings:

2015 Board Meetings Tentatively Scheduled
August 25, September 22, October 27, November 17, December 15

2016 Board Meetings Tentatively Scheduled:
January 26, February 23, March 22, April 26, May 24, June 28, July 26, August 23, September 25, October 25, November 15, December 20

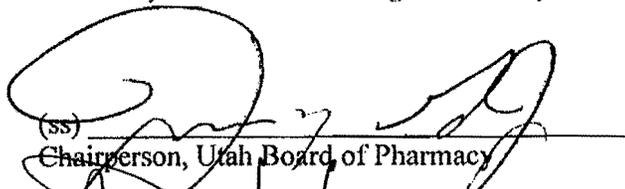
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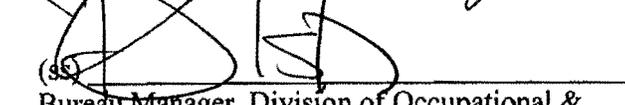
Motion to adjourn at 1:08 P.M.

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.

7/28/2015
Date Approved

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Date Approved

(ss) 
Chairperson, Utah Board of Pharmacy

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Bureau Manager, Division of Occupational & Professional Licensing