MINUTES
UTAH
BOARD OF PHARMACY
MEETING

October 27, 2015
Heber M. Wells Bldg.
Room 474, 4th Floor – 8:30 A.M.
Salt Lake City, UT 84114

CONVENED: 8:36 A.M.

ADJOURNED: 11:30 A.M.

Bureau Manager Dane Ishihara
Board Secretary: Lee Avery

Board Members Present:

Greg Jones, RPh., Chairperson
Carl "Trip" Hoffman, PharmD
Jan Bird, CPhT
Roger Fitzpatrick, RPh.
Andrea Kemper, PharmD
Paige Patterick, RPh.
Kelly Lundberg, Ph.D.

DOPL Staff Present:

Sharon Bennett, Compliance Specialist
Ray Walker, Div. Enforcement Counsel
Dave Furlong, Chief Investigator
Lynn Hooper, DOPL Investigator
Camille Farley, DOPL Investigator
Travis Drebing, Pharmacy Inspector
Shairlee McIntyre, DOPL Investigator
Jennifer Healey, Pharm Inspector

Guests:

Adam Jones, UPhA
Mckinzi Hammen
Tad Jolley, Jolley's Pharmacy
Rob Lammle
Bill Stilling, Parsons, Behle & Latimer
Christine Pham
Dave Davis, UFIA/URMA
Kyle Anderson, Medquest Pharmacy

ADMINISTRATIVE BUSINESS:

Minutes

The Board reviewed the minutes dated September 22, 2015. Dr. Lundberg made a motion to accept the minutes with changes. The motion was seconded by Dr. Kemper. The motion carried unanimously.

Investigation Report

Chief Furlong reviewed the September 2015 investigation report. He noted that there is more information about the citations as requested and encouraged the Board to contact him with any questions. Chief Furlong attended the NASCSA Conference. The pharmacy group had a booth at the Utah Pharmacy Association Conference. They answered questions, and educated attendees on the Laws and Rules.

COMPLIANCE REPORT:

Sharon Bennett, Compliance Specialist

Ms. Bennett reviewed the compliance report with the Board.

#1. Orem Family Pharmacy/Daniel Webster, PIC, is not in compliance. The pharmacy failed its last inspection on 07/22/2015.

#2. Tremonton Comm. Pharmacy/Rich Beus, PIC, is in compliance.

#3. Katherine Keller is in compliance.

#4. Superior Care Pharmacy/Brian Wood, PIC, is not in compliance. The pharmacy failed the last inspection on 03/25/2015.

#5. Stucki Family Pharmacy is in compliance.

#6. Jilbear Hatch is in compliance.

#7. Jerry Gillick with College Pharmacy submitted a letter requesting early termination of probation for College Pharmacy.

Discussion:

The Board reviewed Mr. Gillick's request for early termination of College Pharmacy's probation. College Pharmacy has consistently been in compliance with their Utah probation.

Dr. Lundberg made a motion to terminate College Pharmacy's probation, pending obtaining information regarding the status of their probation in Colorado. The motion was seconded by Dr. Hoffman and carried unanimously.

After further review it was noted that College Pharmacy is still on probation in Colorado and will not

be released until April 2016.
Dr. Lundberg made a motion to deny Mr. Gillick's request. The motion was seconded by Ms. Bird and carried unanimously.

#8. The Board reviewed the practice plan for Professional Park Pharmacy. The Board feels they submitted a list of what they did to rectify their previous violations. The Board wants to see the plan include what they are going to do moving forward and keep the violations from happening again.

#9. Ms. Bennett shared with the Board that a current review of DOPL records show there are 32 pharmacies and pharmacists on probation and 25 are in compliance.

APPOINTMENTS:

Jilbear Hatch, probation interview

Mr. Hatch met with the Board for his interview. Dr. Lundberg conducted the interview. Mr. Hatch stated his probation with Drug Court is going well. He will complete Drug Court March 23, 2016. The charge will then be reduced to a misdemeanor. He hopes to have classes caught up and rotations completed so he can gradate in May 2016. The Board noted how well he is doing and encouraged him to continue in this direction. The Board would like to see him quarterly as long as he stays in compliance. The Board asked to see Mr. Hatch February 23, 2016. **Mr. Hatch is in compliance with his stipulation**.

TMJ, Inc. – Tad Jolley, PIC, new probation interview

Mr. Jolley met with the Board for TMJ, Inc. Pharmacy's probation interview. Mr. Jones advised the Board that he knows Mr. Jolley. Mr. Jolley stated he is okay with Mr. Jones participating in his interview. Mr. Jones conducted the interview. Mr. Jolley reviewed the violations that placed the pharmacy's license on probation. Mr. Jolley proposed Roby Howe to be his supervisor. She works for him one day a week. The Board expressed concern in hiring an employee to supervise. This is putting the employee in a difficult position and is a conflict of interest. The Board encouraged him to find a different supervisor and submit the supervisor's CV to Ms. Bennett before the November Board meeting. As long as he stays in compliance with the stipulation and all documents are received on time, he will not need to meet with the

	Board until January 26, 2016. The Board reviewed Mr. Jolley's practice plan. Mr. Patterick made a motion to approve the practice plan. The motion was seconded by Ms. Bird and carried unanimously. The Board asked to see Mr. Jolley January 26, 2016. **TMJ, Inc. is in compliance with their stipulation.**
Robert M. Lammle, new probation interview	Mr. Lammle met with the Board for his probation interview. Dr. Lundberg conducted the interview. Mr. Lammle reviewed the violations that placed his license on probation. His criminal charges have been resolved. While he was on criminal probation, he went through drug testing and obtained evaluations by therapists. This information was submitted to DOPL and was a consideration when they were negotiating his stipulation. Mr. Lammle stated his supervisor is Lisa Dimmick. The Board requested he submit her CV to Ms. Bennett. The Board noted his stipulation requires him to pay a fine, complete additional continuing education hours; submit employer's reports and self – assessments. After further discussion, the Board requested Mr. Lammle attend a thinking errors class and complete an essay instead of attending individual continuing education courses. The Board asked to see Mr. Lammle January 26, 2016. **Mr. Lammle is in compliance with his stipulation.**
Cody Beaumont, authorization to re-take the PARE exam	Mr. Beaumont met with the Board for authorization to retake the PARE exam. Mr. Beaumont advised the Board he has a better understanding of the exam and would like the Board's authorization to take it again. Ms. Bird made a motion to approve Mr. Beaumont to retake the PARE exam. The motion was seconded by Dr. Kemper and carried unanimously.
George Sperry, failed NAPLEX exam	Mr. Sperry failed to keep his appointment with the Board for authorization to retake the NAPLEX exam.
James Bridge, Pharm Tech review application and CH	Mr. Bridge met with the Board. The Board reviewed Mr. Bridge's application and criminal history. At 10:13 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. A recording was not made. There were no written notes. The Board meeting opened at 10:23

A.M. Ms. Bird motioned to issue Mr. Bridge a tech in training license with no restrictions. The motion was seconded by Mr. Patterick and carried unanimously.

Steven Schmutz, Pharmacy Tech, review application

Out of order on the agenda.
Mr. Schmutz met with the Board. Early that morning, Mr. Schmutz submitted additional documentation of his work experience. Mr. Ishihara advised the Board that with this information, the Division has no concerns in issuing Mr. Schmutz' pharmacy technician license.

NEW DISCUSSION ITEMS:

1. Proposed rule change, R156-37f, Controlled Substance Database Act Rule

Mr. Marv. Sims met with the Board to review the proposed rule change, R156-37f, Controlled Substance Database Act Rule. This rule change is in response to changes made during the 2015 legislation session. Mr. Patterick made a motion to approve the draft changes, pending nothing found during the internal review. The motion was seconded by Mr. Hoffman and carried unanimously.

2. Proposed amendment to Pharmacy Practice Act Rule, R156-17b-615(2) to include FDA registered devise manufactures

Mr. William Stilling reviewed a proposed amendment to Pharmacy Practice Act Rule, R156-17b-615(2) to include FDA registered device manufactures. The Board agreed with the concept and provided some language changes. Mr. Stilling will make the changes for the Board to review at another meeting.

UNFINISHED DISCUSSION ITEMS:

1. Central processing rule change

Mr. Ishihara stated he is still working on the language regarding central processing

2. Compounding labeling rule change

This discussion was tabled to the November Board meeting.

3. Utah hosting the NABP District meeting Fall of 2018

Mr. Fitzpatrick shared with the Board that Utah is scheduled to host the NABP district meeting in the Fall of 2018. The funding for these meetings comes from fundraising, private agencies, stakeholders and schools. Mr. Fitzpatrick made a motion for the Utah Board of Pharmacy to support the NABP District 8 meeting to be held in Utah the Fall of 2018. The motion was seconded by Mr. Patterick and carried unanimously. Mr. Ishihara will review this with DOPL Director.

NEXT SCHEDULED MEETING:

2015 Board Meetings:

2015 Board Meetings Tentatively Scheduled
November 17, December 15

2016 Board Meetings Tentatively Scheduled:
January 26, February23, March 22, April 26, May24, June 28, July 26, August 23, September 27, October 25, November 15, December 20

ADJOURN: Motion to adjourn at 11:33 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.

11/17/2015
Date Approved

(ss) _____
Chairperson, Utah Board of Pharmacy

11.17.15
Date Approved

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