

**MINUTES
UTAH
BOARD OF PHARMACY
MEETING
August 23, 2016
Heber M. Wells Bldg.
Room 474, 4th Floor – 8:30 A.M.
Salt Lake City, UT 84114**

CONVENED: 8:30 A.M.

ADJOURNED: 11:23 A.M.

**Bureau Manager
Board Secretary:**

Dane Ishihara
Lee Avery

Board Members Present:

Greg Jones, RPh., Chairperson
Carl "Trip" Hoffman, PharmD, Vice-Chairperson
Paige Patterick, RPh.
Andrea Kemper, PharmD
Roger Fitzpatrick, RPh.
Jan Bird, CPhT

Board Members Absent:

Kumar Shah

DOPL Staff Present:

Ray Walker, Div. Enforcement Counsel
Deborah Blackburn, Compliance Manager
David Furlong, DOPL Chief Investigator
Sharon Bennett, Compliance Specialist
Camille Farley, DOPL Investigator
Jennifer Healey DOPL Investigator
Sharilee McIntyre, DOPL Inspector
Travis Drebing, DOPL Inspector

Guests:

Raquel Barrack
Raymond Lynsky
Jordan Gray
Donelle Perez
Ryan Swenson, Shopko
John Sisto, ESI
Valene Tran
Jilbear Hatch
Jay K McMillan
Cassandra Barton
Jacob Corsi, Isometric
Gary Hale, Costco
Adam Jones, UPhA
Kavish Choudhary, U of U Health Care
Ferris Derbidge, Wee Care Pharmacy
Tad Jolley, TMJ Inc, Jolley's Pharmacy

Meena Mungappan, U of U Health Care
Brian Buss, U of U Health Care
Jared Memmott, AFS
Bill Stilling, Parsons Behle and Latimer

ADMINISTRATIVE BUSINESS:

Minutes

The Board reviewed the minutes dated July 26, 2016. Mr. Fitzpatrick made a motion to approve the minutes with changes. Dr. Kemper seconded the motion. The motion carried unanimously.

The Board reviewed the rule writing meeting minutes dated August 3, 2016. Ms. Bird made a motion to approve the minutes. Dr. Hoffman seconded the motion. The motion carried unanimously.

Investigation Report

Mr. Furlong reviewed the July 2016 investigation report and answered questions from the Board.

COMPLIANCE REPORT:

Sharon Bennett, Probation Specialist

Ms. Bennett reviewed the compliance report with the Board.

APPOINTMENTS:

Jilbear Hatch, probation interview

Dr. Hatch met with the Board. Mr. Jones conducted the interview. Dr. Hatch stated that things are going well. He is scheduled to take the NAPLEX on August 24, 2016 and the MPJE on August 27, 2016. Once he passes these exams, he will apply for his pharmacist license. Mr. Ishihara will draft a new stipulation. The Board reviewed the assessment Dr. Hatch completed. At 9:01 A.M. Ms. Bird motioned to close the Board meeting to discuss the character, professional competence, or physical or mental health of an individual. Dr. Kemper seconded the motion. The motion carried unanimously. There were no written notes. A recording was not made. The Board meeting opened at 9:14 A.M. The Board asked to see Dr. Hatch once he passes the exams and signs the new stipulation.

Dustin Olsen, probation interview, update

Mr. Olsen failed to keep his appointment with the Board.

Dennis Beasley, probation interview, update

Mr. Beasley met with the Board regarding his probation interview. Dr. Kemper conducted his interview via telephone. Mr. Beasley stated he learned a lot from the

thinking errors class he completed. He continues working on his essay and will submit it to the Board as soon as possible. Mr. Beasley has completed the CEs required in his stipulation.

He plans to take two online classes to help him with the PARE exam. He has signed up to take the PARE exam November 30, 2016. The Board encouraged him to continue in the direction he is going.

Dr. Kemper made a motion to extend Mr. Beasley's timeframe to take the PARE exam. Mr. Patterick seconded the motion. The motion carried unanimously. The Board would like to see Mr. Beasley in December.

Duschesne Valley Medical/Michael Weber,
PIC, probation interview

Mr. Weber met with the Board regarding Duschesne Valley Medical Pharmacy probation interview. He is requesting early termination of the pharmacy's probation. Their probation term ends August 2017 and they have completed half of the probation term. Mr. Patterick conducted the interview. Mr. Weber reviewed the changes made and policies set in place to keep violations from happening again. The Board reviewed the last inspection report, noting the pharmacy is in compliance. Mr. Patterick made a motion to recommend early termination of Duschesne Valley Medical Pharmacy. Dr. Hoffman seconded the motion. The motion carried unanimously.

College Pharmacy/Jerry Gillick, PIC

Mr. Gillick met with the Board regarding College Pharmacy's probation. Mr. Gillick is requesting early termination of College Pharmacy's probation. The Colorado Board released them from probation May 19, 2016. Their five year probation with DOPL ends December 7, 2016. Dr. Kemper conducted the interview via telephone. Mr. Gillick stated things are going well. In 2014 major renovations were made to the sterile department and there has not been any issues regarding quality. Dr. Kemper made a motion to recommend early termination of College Pharmacy's probation. Mr. Patterick seconded the motion. The motion carried unanimously.

Wee Care Pharmacy/Ferris Derbidge PIC

Mr. Derbidge met with the Board regarding Wee Care Pharmacy probation. Mr. Fitzpatrick conducted the interview. Mr. Derbidge stated things are going well. They had an inspection in July and there were some problems. They resolved these and set up an

operational procedure to ensure these violations do not happen again, including visually inspecting the shelves better. The Board advised Mr. Derbidge that as long as all reports are received on time, the pharmacy passes inspections, and they have completed at least half of the probation term, he could request early termination.

TMJ, Inc/Tad Jolley PIC

Mr. Jolley met with the Board regarding TMJ Pharmacy probation. Mr. Patterick conducted the interview. Mr. Jolley advised the Board that things are going well and reviewed the changes made in the pharmacy. They have developed a procedure to address the issues listed in the investigations report. There was a citation issued because of the last inspection. Mr. Jolley was going to ask for a reduction of this fine, however, he has worked this out with DOPL. The Board noted that the pharmacy probation is scheduled to end August 17, 2017. The Board advised Mr. Jolley to submit a written request for early termination, if the pharmacy passes the next random inspection.

Lloyd Thomas probation interview

Mr. Thomas met with the Board regarding his probation interview. He is requesting early termination of his probation. The Board noted that Mr. Thomas has consistently been in compliance with this stipulation. His probation term is scheduled to end October 2017 and he has completed over half of it. Dr. Hoffman made a motion to grant Mr. Lloyd's request for early termination. Mr. Fitzpatrick seconded the motion. The motion carried unanimously.

Brian Buss, request to retake the MPJE exam

Out of order on the agenda.

Dr. Buss met with the Board to request approval to retake the MPJE. Dr. Buss stated that he currently licensed in Oregon. He has been studying at the UofU. Mr. Patterick made a motion to approve Dr. Buss to retake the exam up to two more times. Ms. Bird seconded the motion. The motion carried unanimously.

Request to retake the NAPLEX exam in 45 days.

Dr. Shawna Cargill and Dr. Meena Murgappan met with the Board to request approval to retake the NAPLEX in 45 days.

Ms. Bird motioned to approve the request. Dr. Kemper seconded the motion. The motion carried unanimously.

The Board discussed seeing individuals seeking approval to re-take the exams under the 45 day waiver. Mr. Fitzpatrick made a motion to allow DOPL staff to make the recommendation to NABP to retake the exams. Dr. Hoffman seconded the motion. The motion carried unanimously.

NEW DISCUSSION ITEMS:

H.B. 2040 Opiate Antagonist Admin Rule
Language

Out of order on the agenda:

Mr. Ishihara advised the Board that as a result of HB 240 Opiate Antagonist Act the Division has drafted some rules.

The Board expressed concerns regarding reporting, requirements and information gathered and stored. This requirement may preclude many pharmacies from providing this service.

Mr. Ishihara stated that if the Board agrees the report is not needed, the rest of the rule will change and new language will be drafted. The Board will discuss this at the rule writing meeting on Wednesday, September 7, 2016.

UNFINISHED ITEMS:

Proposed rule changes

The Board reviewed the proposed rule changes and made some suggestions for changes.

Mr. Fitzpatrick made a motion to move forward with rule filing, as discussed, include the word pharmacy and keep the wording hospice facilities. Ms. Bird seconded the motion. The motion carried unanimously.

Not on the agenda:

The Board discussed the NABP District meeting. Mr. Jones will not be able to attend. Mr. Fitzpatrick will be attending.

Not on the agenda:

The Board discussed the NABP newsletter. The next letter is due November 15, 2016. Mr. Ishihara will see if the letter or the web link can be added to the DOPL website. Dr. Hoffman will continue doing the update from the Compounding Task Force Committee. Mr. Fitzpatrick will write an article as a follow-up from the Spring UPhA meeting. Mr. Stilling will assist Mr. Fitzpatrick as both were members of the law panel

discussion at that meeting.

NEXT SCHEDULED MEETING:

September 27, 2016

2016 Board Meetings:

2016 Board Meetings Tentatively Scheduled:
September 27, October 25, November 15, December 20

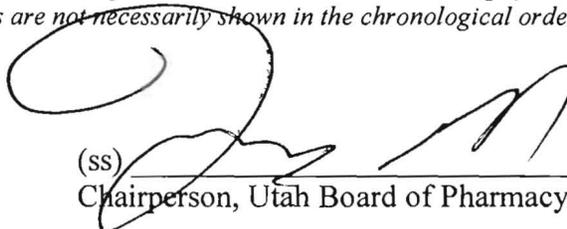
2016 Rule Writing Meetings Tentatively Scheduled:
September 7, October 5

ADJOURN:

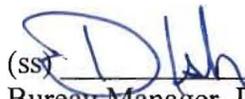
Motion to adjourn at 11:23 A.M.

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.

9/23/2016
Date Approved


(ss)
Chairperson, Utah Board of Pharmacy

September 27, 2016
Date Approved


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