MINUTES

UTAH
BOARD OF PHARMACY
MEETING

July 30, 2013

Room 474, 4th floor – 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111

Rule Hearing: Pharmacy Practice Act Rule: R156-17b, 8:30 A.M. to 9:00 A.M.

CONVENED: 9:25 A.M.

ADJOURNED: 3:20 P.M.

Bureau Manager: Richard Oborn
Board Secretary: Lee Avery

Board Members Present:
David Young, Chairperson
Derek Garn, R.Ph.
Jan Bird, CPhT
Kelly Lundberg, Ph.D
Andrea Kemper, Pharm D
Greg Jones, R.Ph.
Carl "Tripp" Hoffman, Pharm D

DOPL Staff Present:
Ray Walker, Division Enforcement Counsel
Connie Call, Compliance Specialist
David Furlong, Chief Investigator
Jake Corsi, DOPL Investigator
Ashleigh Nye, DOPL Investigator
Brittany Butsch, DOPL Investigator
Lynn Hooper, DOPL Investigator
Jennie Jonsson, Administrative Law Judge

Guests:
Linda Duke, DATC
David Cheney, Associated Food Stores
Linda Sandberg, Associated Food Stores
Betty Yamashita, Intermountain Health Care
Greg Johnson, Target
Diana Fischer
Dean Moncur, Omnicare
Michelle McComber, UMA
Kara Kelly, UCS
David, VHO
Mark Brinton, UMA

Carolyn Kowalchik, USHP
Dave Davis, UFIA/URMA
David Nay, Express Scripts
Adam Jones, UPHA
Nicholas May
Kathy Dupont
Kirt Wray
Jeff Gatzemeier
Missy Duke, USHP
Peggy Tilbury, IMC
Emily Andys, Intermountain
Jason Braithwaite, HCA, Mountainstar
Jennifer Pollock, LSCC
Beth Young, U of U CoP
Paige Patterick, Smith's

ADMINISTRATIVE BUSINESS:

Minutes:

The Board reviewed the minutes dated June 25, 2013. Ms. Bird made a motion to accept the minutes with changes. The motion was seconded by Dr. Lundberg and carried unanimously.

Compliance Report

Ms. Call reviewed the following compliance report for July.
NO PROBATIONERS ARE BEING SEEN THIS MONTH.

The Board considered a written request from Mr. Colton to amend his order to remove the requirement that he abstain from consumption of alcohol. Dr. Lundberg made a motion to approve the request. The motion was seconded by Dr. Jones and carried unanimously.

The Board considered a written summary from Mr. James Ammon that described what he learned in his thinking errors course. Upon review of the summary, the Board indicated that the summary was acceptable.

The Board reviewed an amended practice plan from Skyline Pharmacy wherein the PIC, David Blackham, indicates that he will cease compounding. He plans to possibly get back into compounding at a later date.

DISCUSSION ITEMS:

1. Legislative study regarding whether to authorize prescriptions for 90-day supplies of dextroamphetamine sulfate when used for treatment of narcolepsy

Mr. Nicholas May met with the Board regarding whether to authorize prescriptions for 90-day supplies of dextroamphetamine sulfate when the medication is being used for treatment of narcolepsy. Mr. May reviewed the difficulties he has gone through to obtain medication needed for his narcolepsy. The Board

advised Mr. May this would require a legislative change before it could be defined in rule by the Board and Division. Several board members made comments regarding the proposal. Mr. Young stated that, based on the Board's comments, he gathered that the Board was not adamantly against the proposal. If the legislature were to continue its consideration of the proposal, the Board would be happy to provide input.

2. Drug manufacturer coupon cards

Mr. Young reviewed a concern regarding drug manufacturer coupons. Some pharmacists are billing the manufacturer and the patient's insurance and keeping the difference. The Board indicated this could be considered insurance fraud. The Board felt that this behavior was an example of unprofessional conduct as currently defined in Utah Admin. Code R156-1-501 (2) (h).

3. Definition of when pharmacy technician can do final review of prescribed drug prepared for dispensing (tech-check-tech)

Ms. Duke met with the Board and reviewed the final written proposal by the tech-check-tech committee. If adopted, this proposal would amend R156-17b, Sections 502 and 601. The Board discussed the proposal and noticed the need for a few minor changes. Mr. Jones motioned to accept the proposal with changes. The motion was seconded by Mr. Hoffman and carried unanimously.

4. Proposal to require VAWD certification for wholesale distributors

Mr. Young reviewed a proposal to require VAWD certification for wholesale distributors. He noted that the Board reviewed this in previous years and recommended that the Division amend the rule to include this requirement. At that time, the Division decided to not follow the Board's recommendation. Utah is one of five jurisdictions that does not require a certification or license for wholesale distributors located outside the jurisdiction. The Board expressed concern about where Utah pharmacies obtain medications. Some drugs were purchased from other countries and have been substandard or tainted. This could result in serious medical complications and death for the patient. The Board recognized that the fees for this certification are almost eight thousand dollars, which could be a significant financial burden for some wholesalers; however, other states already require this certification. The certification requires that the pharmacy meet and maintain a high standard.

Mr. Walker noted that requiring licensing out of state wholesale distributors would require statutory change. The Board would like to obtain more information from other boards regarding this issue. Mr. Oborn will contact NABP and will add this topic to the agenda.

5. Proposal to incorporate USP Chapter 17 regarding patient prescription container labeling in rule

The Board reviewed the proposal to incorporate USP Chapter 17 regarding patient prescription container labeling in the Pharmacy Practice Act Rule. The Board noted that inadequate understanding of prescriptions and directions has led to patient's misunderstanding of appropriate dosage and abuse. The Board recognized the need to require standardized labeling, and to keep labels informative, clear and simple. The Board also recognized the impact and the cost of implementing these changes. Mr. Oborn noted the Board could make USP Chapter 17 a guideline in the rule under R156-17b-612. Mr. Jones made a motion to incorporate USP 17 in the Pharmacy Practice Act Rule and the Controlled Substance Act Rule to become effective one year from the date the rule becomes effective and to make it unprofessional conduct for pharmacies if they are not working toward following this standard. The motion was seconded by Dr. Lundberg and carried unanimously.

6. Proposal to require pharmacy technicians in training to complete background check before DOPL approval to begin training

Mr. Oborn reviewed a proposal to require pharmacy technician in training to complete a background check before DOPL approves them to begin their training. The concern is that currently a pharmacy technician in training is allowed to work in a pharmacy for two years before a background check is completed when they apply for their full pharmacy technician license. The Board recognized this may not be protecting the health, safety and welfare of the public, but could also be harmful to the individual, with a criminal history, paying for the technician in training program and not being able to obtain licensure. Mr. Oborn noted this proposal required a statutory change. Dr. Lundberg motioned to recommend that the legislature pass a bill that would require BCI background checks for pharmacy technicians in training before they begin their training program. She also recommended that the Board explore the idea of issuing a license for pharmacy technicians in training and that the license be issued for two years. The motion was seconded by

Ms. Bird and carried unanimously.

7. Establishment of pharmacy technician program criteria

Ms. Bird and Ms. Kemper advised the Board that they reviewed the pharmacy technician training program criteria with what other jurisdictions require. Most jurisdictions require their training programs be accredited by ASHP, another accrediting body, or Board approval. The NPTA programs cover the same criteria that the Utah Board established. A bill passed during the last legislative session required that the Division move away from reviewing the tech in training programs. Mr. Young noted that PTCB is making changes to require students to attend a PTCB accredited program before they can take the PTCB exam. This requirement is expected to become effective in 2020. The Board discussed grandfathering the programs already approved by the Utah Board; however, they would need to obtain national accreditation by January 1, 2016. Ms. Bird motioned to recommend PTCB accreditation as long as there are no major concerns by the schools. Upon further discussion, the Board expressed concern regarding the timeframe in obtaining accreditation, the cost to the small programs and the cost to the students. Mr. Oborn will research the cost of the NPTA online program and check with the schools. The Board will establish a deadline for new programs to seek approval in the proposed rule. Dr. Lundberg motioned to recommend that the Division move forward with the rule changes as reflected in the written proposal with changes discussed by the Board pending any problematic concerns from stakeholders. The changes include removing the 360 hour maximum time that a student can practice as a technician in training. The Board requested that a deadline to apply for a license be established for after they complete the program and pass the exam. The motion was seconded by Ms. Bird and carried with Mr. Garn opposing.

8. Establishment of maximum period that pharmacy technician in training may practice

This item was discussed during consideration of item 7.

9. Clarification of initial inventory requirement in Utah Admin. Code R156-17b-605 (2)(b)

Mr. Oborn and Mr. Walker advised the Board that a recent citation hearing brought their attention to the need to clarify the initial inventory requirement as

	established in R156-17b-605(2)(b). The Board reviewed the federal regulations part 1304-Records and Reports of Registrants. Mr. Jones made a motion to amend the R156-17b-605 (2)(b), linking 1, 2 and 3 and to reference the DEA requirements. The motion was seconded by Dr. Lundberg and carried unanimously.
10. Application process for new pharmacies	Mr. Jeff Gatzemeier met with the Board and reviewed many problems he faced with opening his new pharmacy. He noted that obtaining a license from DOPL is one of many steps, including the deadline regarding the self report inventory, inspection of the facility, obtaining a DEA number, and insurance contracts. DEA and insurance companies require the license number from DOPL first. The Board discussed the possibility of issuing a temporary license to allow the pharmacy owner to start the process. Mr. Walker noted that this would not require a statute or rule change. The change would be within the DOPL process. A temporary license may be issued once all documentation has been submitted and fingerprints have been accepted. The temporary license would be issued for temporary period. Once the facility passes inspection, the full license could be issued. If the facility does not pass the inspection, then DOPL personnel would send them a letter stating they failed the inspection, allowing time to correct the deficiencies, and to notify DOPL that the deficiencies were fixed. The Board discussed issuing the temporary license for ninety days to six months. Mr. Oborn will review the Boards recommendation with the Director of DOPL. Mr. Oborn will work out details and report to the Board in September.
11. Efforts to ensure pharmacists report administered immunizations to USIIS electronic registry	Mr. Jones stated there are some pharmacies who have signed up with USIIS to administer immunizations. If the pharmacy has not signed up with USIIS, then they should not be providing immunizations to the public. Mr. Oborn will work with the association and send an email to pharmacies who have not signed up.
12. Request for input regarding DOPL controlled substances prescription letter	The Board reviewed the letter the Division will send to pharmacies, pharmacists, physicians and APRNs regarding controlled substance prescriptions. The

Division wants the Board's input regarding the content of the letter. Mr. Oborn asked the Board to contact him within the next week, with any suggested changes.

13. Other proposed rule amendments

Mr. Jones made a motion to amend R156-17b-612(9) as follows: Pharmacist or other person responsible shall verify all c/s are listed on the invoices and were received by clearly including their initials on the invoices. The motion was seconded by Mr. Garn and carried unanimously.

The Board reviewed R156-17b-614a and R156-17b-614b and determined that there is a need to clarify standards for Class A, B, C and E pharmacies. Mr. Oborn will have language for the Board to review at a future Board meeting.

Discussion item for future agenda:
Operating standards for Class B methadone clinic

NEXT SCHEDULED MEETING:

August 27, 2013 at Spencer F. and Cleone P. Eccles Health Sciences Education Bldg., Room 1750, 1st Floor located at 26 S 2000 E, SLC, UT 84112.

2013 Board Meetings:

August 27, September 24, October 22, November 19, December 17

ADJOURN:

Motion to adjourn at 3:20 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.

8-27-13
Date Approved

(ss) [signature]
Chairperson, Utah Board of Pharmacy

8/27/13
Date Approved

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