

MINUTES

UTAH  
BOARD OF PHARMACY  
MEETING

JANUARY 23, 2007

ROOM 474 4<sup>th</sup> Floor 9:00 A.M.  
Heber Wells Building  
Salt Lake City UT 84111

CONDUCTING	Roger Fitzpatrick
CONVENED	9:15 A.M.
ADJOURNED	1.55 P.M.
MEMBERS PRESENT	Roger Fitzpatrick Betty Yamashita Dominic DeRose Dr. Mark Munger Edgar Cortez Marty Hill
DIVISION STAFF	F. David Stanley, Division Director Diana Baker, Bureau Manager Penny Vogeler, Board Secretary Sandra Hess, Division Investigator
GUESTS	Derek Garn, Wal-Mart Michelle Mayne, Student U of U Camille Nulph, Student U of U Stacie Rabe, Student U of U Greg Jensen, Target Gerry Hassell, Wal-Mart Mathew Call, Student U of U DJ Adams Student, U of U Reid Barker, UPHA Angie Milne, Friend of Layne Kilpatrick

TOPIC OF DISCUSSIONDECISIONS/RECOMMENDATIONS

DECEMBER 2006 MINUTES

Ms. Yamashita made a motion to approve the minutes with corrections. Ms. Hanson seconded the motion. Dr. Munger abstained.

INTRODUCTIONS:

Mr. Stanley, Division Director joined the meeting and was introduced by Ms. Baker. The Board members welcomed Mr. Stanley as the new Director of the Division.

DISCIPLINE REPORT-CONNIE CALL

Ms. Call presented the probation report for the month of January. All probationers were in compliance.

DOPL INVESTIGATOR  
Sandra Hess

Ms. Hess discussed the inspection form for Medical Gases. It was decided to combine Medical Gases with the Durable Medical Equipment inspection form. The items needing to be addressed for Medical Gases are listed on a separate sheet of the "New Opening Pharmacy Inspection Report. (See attached).

Ms. Hess also gave a Summary of Investigation Activity for Year end 2006.

Ms. Hess stated the complaints seem to increase as the number of licensees increase.

APPOINTMENTS

PROBATION INTERVIEW:

LSJ FAMILY DRUG

Mr. Fitzpatrick conducted the phone interview with Jody Johnson of LSJ Family Drug. He stated things are going well. He now has one licensed technician, one doing her 180 hours

and four other techs in training. Mr. Fitzpatrick asked him about his CE and he replied he had sent it in before the end of the year. He is **in compliance** with the terms of his Order.

#### ORLANDO HILL

Dominic DeRose conducted the interview with Mr. Hill. He is **in compliance** with the terms of his Order. He is still working for the U of U and Mr. Jacobs is still his supervisor. Mr. DeRose complimented Mr. Hill on a job well done. A motion was made by Mr. DeRose to change from quarterly meetings with the Board to every six months. Dr. Munger seconded the motion. Motion carried.

#### LAYNE KILPATRICK

Mr. Fitzpatrick conducted the interview with Mr. Kilpatrick. A friend, Angie Hill, accompanied him. He stated the charges against him in the state of California have been resolved, and has been released from a four-year criminal probation. He stated things are going very well. It was suggested that he send a copy of his release to Adult Parole and Probation here in Utah. He approached the Board for an early release of his probation. His probation is to end in July of 2008. Mr. Kilpatrick stated that he has employment issues that he cannot move forward with his plans while under a probationary status.

Mr. Kilpatrick has business plans to purchase a large pharmacy and continue with his compounding. He feels he would be asking the Board to consider releasing him from probation so he can purchase this pharmacy and also become the PIC. Mr. Kilpatrick is concerned that the opportunity may not

be there in the next six months. The Board discussed the matter and their feelings were that Layne should at least continue with his probation until July of 2007. A motion was made by Dr. Munger to withdraw drug screening and supervisor reports for the remaining part of his probation. Seconded by Edgar Cortez. Motion carried. Layne will be seen in July. Mr. Kilpatrick is in **compliance**.

#### ANDREA LOWERY

Ms. Hanson conducted the interview with Ms. Lowery. Her performance review and 12-step attendance were received and urine screens and database were fine. She is **in compliance** with the terms of her Order. She has enjoyed being a stay at home mom. She stated she has an additional 10 CE to complete with in a year. Ms. Lowry seemed to be doing much better. She is planning to move to Mona, UT in the near future.

#### JESSICA NIELSON

Dr. Munger conducted the interview with Ms. Nielson. Dr. Munger asked Jessica to tell the Board why she is being placed on probation. He then went over her Stipulation in detail. Ms. Nielson stated she understood the stipulation and had no questions. She completed her 180 hours in Nov. 2006. She still owes \$200.00 on her fine. She plans to take the law and rule test and the national exam as soon as money allows. She is now working at Walgreens and they are aware of her Stipulation. She was asked to notify the Board of her new employer at this meeting. She will fill her prescriptions at Walgreens in Pleasant Grove. She will be notifying the Board of the names of the physicians at the clinic she has been visiting. She was advised to start

her 12-step program, even though she has not begun the probationary period. She will submit a letter from her manager that he has read the stipulation. She will also be sending the prescriptions for the drugs she is now taking. Ms. Nielson will not begin her probation until she has completed 180 hours of training, taken the PTCB and the Utah Law and Rule, and receives her pharmacy technician license. She will be on probation for one year after probation starts. Ms. Nielson will not be scheduled for meetings with the Board until she starts her probation.

#### EDUCATIONAL INTERVIEW Lisa Bullough

The interview was conducted by Mr. Fitzpatrick. Lisa is here before the Board today for an educational interview. Ms. Bullough was the pharmacy manager when a technician who failed her exam continued to work as a tech in training. Ms. Bullough explained to the Board that this technician was working as a clerk. Her pay had been dropped, she was only running the register, and her name tag said "clerk". The pharmacy had done everything right but the technician was confused about her title. She also submitted the hours as a clerk on her log as a technician. Again, Ms. Bullough explained she was working in the pharmacy so she thought she needed to include the hours on her log. Ms. Baker explained this was not her understanding and asked Ms. Bullough to have the technician submit a new log. It appeared that Ms. Bullough had taken care of everything she needed to do. Ms. Baker asked about Ms. Bullough signing the log and she stated she did sign the log but had not paid

NEW APPLICATION  
Chablish Fenner

attention.

Cancelled

PUBLIC REPRIMAND  
Clair John Christiansen

Mr. Christiansen Came before the Board with a public reprimand. Ms. Hanson conducted the interview. He had been working with an expired license. When the investigators visited his pharmacy, it was discovered that he had failed to renew his license. He stated he felt the \$500 fine was steep. Ms. Baker indicated that this is the amount fined by precedence and with other healthcare professionals under similar circumstances. He was concerned about his record being tarnished with a public reprimand. He must complete, within one year, 4 additional CE hours. He expressed to the Board how bad he feels about the oversight in getting licensed.

DISCUSSION ITEMS  
Board of Health

Pamela A. Clarkston Freeman, PhD, MSW came before the Board to discuss the Proposal for Updating Rule 156-37, Paragraph 8, and section D. Dr. Munger stated he did not agree that the changes should be made as written and that the changes could result in the database being compromised. Mr. Hill feels the new language is very vague and does not give sufficient direction to protect the database information. There is a question as to who will have access to identified actual database information and who will have de-identified database information. Dr. Munger asked Ms. Baker if she would discuss this language with the Attorney General's office. Dr. Munger made a motion that the Department of Health

rework language and table the discussion until next month.

#### SNOW CANYON CLINIC

A telephone interview was conducted with Snow Canyon Clinic. The Board had handouts to read regarding the methods that the pharmacy proposes to provide an appropriate electronic signature. Dr. Munger felt the Board does not have to approve this and that the pharmacy must stay within the guidelines of regulations. Becky Johnson, VP Administration, of Snow Canyon Clinic was contacted by phone. Mr. Fitzpatrick stated to Ms. Johnson that the Board would refrain from giving approval and just asked specific questions regarding their process. Ms. Johnson stated Snow Clinic would supply the surrounding pharmacies with information regarding their process. The Board reminded her that the phone calls to the Physicians will increase, and she stated that her physicians would be cooperative about these calls. She was informed that no controlled substances would be able to be handled in this manner as per Federal law. It was suggested she contact her software vendor about putting a block on controlled substances. The Board asked several questions about the security system and seemed to be comfortable with her answers except that someone other than the physician should not be able to initiate the prescription. She stated the physicians do have access to the medical records at home. The Board stressed that they are not making recommendations, only suggestions.

#### RECOMMENDATIONS/PHARM TECH

The Division was asking for suggestions to help improve the process of technician training. The Boards decision was to educate the

technicians and perhaps a video could be made to help instruct people wanting to begin a program of the requirements. The Board felt that the responsibility of the licensure process should rest with the technicians-in training rather than fining the pharmacist doing the instruction. Ms. Baker will review the recommendations and devise a plan to help better instruct the pharmacy community about technician licensure process.

#### LIBERTY FAX

Liberty Pharmacy is providing existing patients with profile information requesting refills information without discussion with the physicians. There has been a complaint from a physician about this practice and asked that the Board look at the fax that is being sent to physician offices for signature. There is no area on the fax that addresses directions of use on the profile. The Board requested that Ms. Baker contact the pharmacy and inform them of suggestions provided in changes to the form.

#### FORMULARIES OF COMPOUNDING DRUGS

Dr. Munger suggested that DOPL send a letter to every pharmacy requesting information regarding drugs that they are compounding. Investigators will follow through with self inspection reports. This issue will be table until next month.

#### FMLA

Ms. Baker stated she would look into the issue of FMLA in regards to a probationer. She has contacted the Attorney Generals office and has not heard from them at this time.

#### ANNUAL MEETING

Dr. Mark Munger will be attending the Annual meeting this year.

VACCINE PROTOCOL

Approved Human Papilloma Virus and Herpes Zoster immunizations for the vaccine protocol. Ms. Baker will take the request to the Medical Board for their approval. It was noted that reimbursement will only be provided to pharmacists who administer these immunizations.

NEXT MEETING

FEBRUARY 28, 2007

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Roger Fitzpatrick, Chairman

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Date

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Diana Baker, Bureau Manager

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Date