

MINUTES
UTAH BOARD OF PHARMACY
FEBRUARY 27, 2007
ROOM 474 HEBER M. WELLS BLDG
160 E 300 S SALT LAKE CITY UTAH

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| CONDUCTING | Roger Fitzpatrick |
| CONVENED | 9:25 a.m. |
| ADJOURNED | 3:55 p.m. |
| MEMBERS PRESENT | Roger Fitzpatrick Betty Yamashita Dominic DeRose Shawna Hanson Edgar Cortes Marty Hill |
| MEMBERS ABSENT | Dr. Mark Munger |
| DIVISION STAFF | F. David Stanley Diana Baker Penny Vogeler Sandra Hess Connie Call |
| GUESTS | Chad Reeves, Stevens Henager College Mario Merida, Stevens Henager College Kevin Sullivan, Attorney for Mr. Hughes |
| TOPIC OF DISCUSSION MINUTES : Jan 23, 2007 | A motion was made by Mr. Hill and seconded by Ms. Hanson to approve the minutes with corrections. |
| DISCIPLINE REPORT | Ms. Call presented the probation report for the month of February. All probationers were in compliance. |
| APPOINTMENTS | |
| PROBATION INTERVIEW Cameron Tolley | Ms. Yamashita conducted the interview with Mr. Tolley. Ms. Yamashita asked him |

to bring the Board up to date regarding his probation. He is working at Smiths in Magna in a full time position. He is working within the terms and conditions of his Order by not ordering or receiving controlled substances. He stated he enjoys his work, and there have been no changes in his personal life. He is meeting with his therapist, Dr. Smith, once a month. Mr. Tolley stated he has a few issues with Dr. Brunson's report and is having problems reaching Dr. Brunson. This is frustrating to Mr. Tolley. Ms. Baker stated she will contact Dr. Brunson and have Dr. Brunson call Mr. Tolley. He likes the PIR meetings and does not like going to the AA meetings. It was suggested he try different AA meetings to see if he finds one he is comfortable with. Mr. Tolley is **in compliance with his Order.**

Shawna Hanson, Edgar Cortes and Marty Hill joined the meeting late due to weather.

Michael Sanchez

Mr. DeRose conducted the interview with Mr. Sanchez. Mr. Sanchez stated he is happy with his employment at the VA. He is meeting with his therapist once a month and enjoys these therapy sessions. Mr. DeRose spoke about the therapist's report with regards to Mr. Sanchez's acceptance of his internet addiction. Mr. Sanchez felt the report was not correct in stating what his intent was when he went to meet the subject of his internet use. The Board is concerned about his minimization of all of the issues. The therapist recommended he continue his therapy and Mr. Sanchez agrees that it is helpful. He questioned the length of time he will have to do employer reports. The Board informed him that these reports would be required for the length of his probation; however the reports can now be submitted quarterly instead of monthly. He was told to bring a

letter to the next meeting.

Mr. Sanchez stated his wife has been supportive, and he has seen a change in their relationship since going to therapy. Mr. Sanchez is **in compliance** with the terms of his order.

Letter of concern
Karine Noel Nelson

Ms. Hanson conducted the interview with Ms. Nelson. She was brought before the Board due to a letter of concern. The Division was concerned with a report of a number of errors committed by Ms. Nelson over a ten-week period at PCM Pharmacy. She stated she remembers two errors in about 1100 scripts that she filled. One of the errors was for the wrong prescription, and another was a count error. The pharmacy filed a complaint against Ms. Nelson and then she was terminated. Ms. Nelson is the director of Fourth Street Clinic Pharmacy. When asked what she learned from this she stated she has learned to check and double check all medications that leave the pharmacy.

NEW APPLICATION
Hali Chea

Ms. Yamashita conducted the interview with Ms. Chea. She was brought before the Board to discuss the discrepancies in her pharmacy technician program and application. She stated she did not complete the program at Salt Lake Community College, but continued to work at Harmon's as a technician-in-training. Ms. Chea did not inform her supervising pharmacist that she stopped going to SLCC and she worked at Harmon's for 1100 hours as a technician-in-training, without being in any type of program. She also worked at Harmon's in customer service a few days a week, but was not able to tell the Board whether she was paid as a customer service representative or as a pharmacy technician-in-training.

When Ms. Chea submitted her application for licensure, she was told that she would have to complete her program with SLCC, and that she was over the one-year requirement date for completing her program and that her work at Harmon's beyond the 180 required experience hours had been done in violation of the law. She then contacted her instructor at SLCC to finish the program. She stated that her understanding was that the year started with training in the pharmacy, not from when she started the program at SLCC. She also stated that she did not understand the pharmacy law, and that she was told by her instructor at SLCC to read the law herself and that she did not recall hearing any lecture regarding the pharmacy law in her classes at SLCC.

A motion was made by Mr. Hill to table approval or denial of Ms. Chea's license until next month, with the intention of inviting Greg Jones, pharmacy director, Tuong Haung, pharmacy supervisor, Kristy Fitzgerald, Salt Lake Community College instructor and the store manager of Harmon's Grocery to the meeting. They could then discuss where communication broke down between the two agencies. This is the third time that this store had inappropriately handled a technician in training. Seconded by Shawna Hanson. Motion carried. It was explained to Ms. Chea that the Board wants to research the issues before making a decision on issuing a license. Ms. Chea will be seen again in March.

EDUCATIONAL INTERVIEW
Cindy Russell

Ms. Hanson conducted the educational interview with Ms. Russell. Ms. Russell was asked to discuss why she had been working as a technician with out a license. She had completed her program with Salt Lake Tooele ATC but continued working

for two months as an unlicensed technician. She was fined for unlicensed practice. She is meeting with the Board to discuss her understanding of the pharmacy law. She stated that she has learned not to do too many things at once and to be aware of the laws and rules of her profession.

DISCUSSION ITEMS
Review Course for MPJE

James Ruble addressed the Board to discuss starting a review course that he would present for people needing to take the MPJE. He has heard that there is a need for a review because most of the information for the MPJE is given in the beginning of pharmacy programs. His program would be a supplement to their education and as preparation to take the exam. It may be helpful to graduating students as well as pharmacists from other states waiting to take the MPJE. He felt he needed to let the Board know about his plans. Ms. Baker asked Mr. Ruble if he has contacted NABP, since they own the MPJE examination and would probably have to sign a confidentiality agreement with them. He stated he has a letter drafted to send to NABP. Ms. Baker talked about the fact that he is addressing state law and asked if he is going to address federal law also. Ms. Baker stated that this would help many people since there is no study guide available, and NABP does not plan on writing one.

The Board asked if he plans to apply for continuing education credits for the course. He stated he would like to apply to be an ACPE provider in the future. Ms. Baker asked if there is anything the Division can do to help, if so let her know.

Department of Health
Pamela Freeman

Ms. Freeman presented a handout to the members of the Board. She was asked to rewrite the language for the proposal from

the last meeting. She brought with her several people from the Board of Health to help with any questions the Board may have.

Mr. Hill expressed his concern about being uncomfortable with the security of the information in the database. The Department of Health explained that the information that is on the stand-alone computer currently is less safe than their proposed method of storing the information on their network that has multiple firewalls. Marvin Sims, manager of the DOPL Controlled Substance Database, stated the intent was to have the Health Department approach the database for download of specific information. It was never the intent of the legislature to have this program as presented here today. The Health Department representative stated they appreciate the opportunity the legislature gave them regarding the study of deaths related to overdoses of controlled substances, and would agree to manage the data appropriately and with security. Ms. Baker stated we are providing the information to a sister department and she feels safe with the fact that they will handle the information appropriately. However, she also identified the concerns expressed from the Physicians Licensing Board, and stated that the Department of Health may need to meet with that Board also before this issue is resolved. Mr. Sims feels the job needs to be done, but he feels the Department of Health needs to work with him on a solution. A motion was made by Mr. Hill to **not accept** any part of the proposal. No second was received. Motion died on the table. It was suggested by the Board to have the Department of Health work directly with Mr. Sims on this issue. The Department of Health representatives stated they would do whatever needs to be done but the project

NEW APPLICATION
Natalie Broadhead

needs to go forward.

Mr. Hill conducted the interview with Ms. Broadhead. She is applying for a license as a pharmacy technician, but has criminal charges against her from a year ago. She discussed several issues of her charges with the Board. She has completed all requirements of the courts. She was asked to submit a court statement of completion. Mr. Hill suggested she learn to channel her anger in other ways. She stated she has completed a sixteen-week course on anger management. He also discussed the Board's responsibility for protecting the public and therefore is asking to see this additional documentation from the court.

Ms. Call suggested Ms. Broadhead write a release to DOPL to obtain her records from the Judicial Supervision Services and Taylorsville Domestic Violence Court.

Ms. Broadhead is currently working as a clerk at Pioneer Valley Hospital and has been with them since November 2005.

The Board decided to wait to make a decision on the licensure after receiving the documents requested. Ms. Broadhead will be scheduled again in March.

Dennis Hughes

Mr. Fitzpatrick conducted the phone interview with Dennis Hughes. His attorney, Mr. Kevin Sullivan, attended the meeting as his representative. Mr. Hughes was advised he was on a speakerphone and that the meeting was recorded. Mr. Fitzpatrick discussed the application for licensure and referred to the initial surrender of his license and the omissions he made regarding his drug use. Mr. Hughes is requesting reconsideration of the Board for granting his pharmacist license at this time. He is current on his CE hours.

He stated his attorney has the certificates.

Mr. Hughes stated that after the Board denied his reinstatement of licensure in 2004, he was forced to go to work in California to support his family. He has been licensed in California for many years. However, he was embarrassed about his crimes and did not inform the California Board that he had problems in Utah. He also discussed being placed on the exclusion list with OIG and he was not hireable in California until this exclusion was removed. He is hoping to have his license in Utah reinstated so he can be cleared from the OIG exclusions list. He was asked to tell the Board about the missing drugs taken from K-Mart. Mr. Hughes never answered that exact question. He admitted he did take five Viagra for his brother-in-law, but felt that it was okay to do this because his brother-in-law had been given Viagra before by his doctor. He put the Viagra in his pocket rather than dispensing it properly. He stated he did not take the amounts of pills as indicated in the 2001 surrender Stipulation. He continued to deny the charges that were made against him and did not know if there really were shortages of medications at that time. He stated he had been working in California and his manager at CVS liked his work because he was so helpful to the patients.

Marty Hill made a motion to deny the application. Edgar Cortez seconded. During discussion, Mr. Fitzpatrick read the reasons for denying his license in 2004. The Board is concerned about the fact that he did not provide the discipline and surrender of his license in Utah when he renewed in the state of California. His Attorney discussed Utah's position in the plea agreement and felt that perhaps they did not have enough evidence. Mr. Hughes was given the

opportunity to state his side of the story. He reminded the Board how much he loves pharmacy and feels he is a very competent pharmacist. Mr. Hill stated that Mr. Hughes needs to have an explanation for what happened to the medications and to provide reassurance that such activity would not happen again. Motion carried.

Mr. Hughes was encouraged to contact the California Board of Pharmacy about his status in Utah. Ms. Baker suggested that Mr. Hughes could pursue work in other areas where he could use his pharmacy knowledge, such as consulting or sales for income. Mr. Hughes stated he wants to work with his patients and is not interested in doing other things in pharmacy. Ms. Baker will wait for a response from California and make the Board aware of the outcome.

Stevens Henager College.

Mr. Chad Reeves, Associate Dean of Pharmacy Technician, and Mario Merida, Dean of College of Allied Health, attended the meeting and wanted to discuss the issues DOPL has been having with applications and transcripts from Stevens Henager College. The time frame for completing the pharmacy technician program has been a big issue because they combine medical assistant and radiology technician training along with pharmacy technician training. The application for Tory Berry was used as an example. Her transcripts showed a graduation date for the program yet continued to take pharmacy classes after graduation date. Mr. Reeves wanted the Board to know that Ms. Berry had done everything correctly and had followed what Mr. Reeves had instructed her to do. Mr. Reeves then discussed the Associate Degree program offered at Stevens Henager, and the Board stated that they would have to front load, or back load

the Associate Degree Program in order to stay within the guideline of the one-year requirement for pharmacy technician training. Mr. Reeves stated that Stevens Henager will do what ever it takes to abide by the Board's requirements. After much discussion of the way their program was set up and originally approved by the Board a decision was made to require Stevens Henager to back load the pharmacy program. This would allow the students to become licensed as a pharmacy technician while they were completing the rest of the program and relieve the student of some of their financial burden. Ms. Baker asked Mr. Reeves to submit a new program to be reviewed by the Board. Ms. Baker stressed that the transcript needs to state a graduation date that matches the program requirements, and the transcript must state completion of a pharmacy technician program. Mr. Cortes asked to have the curriculum for review and it was given to him. Mr. Reeves wanted to know what can be done for the students that are going to be over their one-year deadline. Ms. Baker stated the students may take both the PTCB and the state law and rule exam before they have completed their programs. It was a decision of the Board to have the 12 students who are several months over the one-year deadline at Steven Henager take comprehensive exams for each class and then they may start their 180 refresher hours.

Formularies of compounding drugs

Tabled to next month.

FMLA

No information at this time

Pharmacy tech programs
CCI

Edgar Cortes will review this program.

DISCUSSION

Sheryl Ledet submitted a letter requesting the Board to issue her a probationary license and lift the suspension of her license. She has been offered a job and would need to have a pharmacist license. The Board discussed Ms. Ledet's suspension and determined it would be a good move for her. However, her Stipulation and Order indicates that her license be suspended for a minimum of one year not to exceed five years so that she has ample opportunity to address her addiction. A motion was made by Edgar Cortes to deny the request to remove the suspension. Marty Hill seconded. Motion carried. Ms. Baker will respond to the letter from Ms. Ledet.

Marty Hill

Mr. Hill presented to the Board an issue he is involved in with his students at UVSC. This year they have chosen online prescribing as the topic. They are going to mail a questionnaire addressing various aspects of prescribing medications, and Mr. Hill asked the Board if they would be willing to respond to this questionnaire. The Board was in agreement of this request.

Ms. Yamashita

Ms. Yamashita had been asked by a pharmacist to bring the issue of the Notification Form for pharmacy technicians to the Board for discussion. The question was asked why technicians and their pharmacists were not aware of this form. His technician who had not submitted their form felt they had a very bad experience with DOPL by being told that they need to re-do their hours. Ms. Baker responded by saying that this is the manner in which these issues are currently

being handled because the rules require that the Division provide approval for training to begin. On line registration was suggested, but Ms. Baker indicated that technology in the Division is not currently available. The Board feels that a technician's license may be the answer to many of the problems the Division is having regarding technician training. This would require a change in rule. Further discussion is needed on this matter.

Adjourned

Mr. Fitzpatrick closed the meeting.

Next Scheduled Meeting

March 27, 2007

(ss) Roger Fitzpatrick
Chairman

April 24, 2007
Date

(ss) Diana Baker
Bureau Manager

April 25, 2007
Date