

MINUTES

**UTAH
BOARD OF PHARMACY
MEETING**

April 24, 2007

**Room 474– 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:10 a.m.

ADJOURNED: 12:30 p.m.

**Bureau Manager:
Board Secretary:**

Diana Baker
Penny Vogeler

Board Members Present:

Dr. Mark Munger, Pharm D
Roger Fitzpatrick, RPh, Chairman
Shawna Hanson, RPh
Betty Yamashita, RPh
Dominic DeRose, Rph
Edgar Cortes, Technician Member
Marty Hill, Public Member

Guests:

Derek Garn, Wal-Mart
Greg Jensen, Target
Chris Scalzitti, Walgreens
Michelle Hillman, Smiths
Tina Aramaki, IHC
Darryl Wagner, IHC
Scott Pugsley, IHC
Reid L. Barker, Utah Pharmacists Association

DOPL Staff Present:

Sandra Hess, DOPL Investigator

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

**ADMINISTRATIVE BUSINESS:
MINUTES:**

A motion was made to approve the minutes from 3-27-2007 with corrections. Motion carried

BUSINESS FROM PREVIOUS MEETING:

New Programs submitted

Eagle Gate College, Marty Hill
Utah Navajo Health Systems, Edgar Cortes
Bridgerland ATC, Edgar Cortes
Hill AFB, Betty Yamashita

CCI
Certified Careers Institute

Ms. Baker stated she had received a letter from Certified Career Institute concerning their pharmacy Technician program. Mr. Cortes mentioned he had been working with their program and would contact them soon as possible.

PROBATION REPORT:

In Ms. Call's absence, Ms. Baker presented the probation report for the month of April. This information brought the Board up date on the monthly probationers as well as the quarterly probationers.

NEW APPLICATION:
Issac White

Issac White was asked to meet with the Board to review his application for licensure as a pharmacy technician. He was interviewed by Ms. Hanson. He was asked to explain to the Board the "yes" answers on his application. These answers were due to criminal history. He explained to the Board his version of what happened. He appeared to be deliberate and honest in his discussion regarding his poor judgment. The Board was concerned about his poor judgment in different situations. He stated he is now living at home and has no contact with his old friends. He is continuing in school and has a much more stable environment. A motion was made to issue an MOU for Mr. White to receive a probationary license. The Board was in agreement with mirroring the plea in abeyance issued by District Court. For a minimum of 30 months from today, the MOU is to contain the following conditions: No further violations. Continue with AA meetings three times per week. No alcohol, maintain employment and or education full time. Supervisor reports and therapy reports quarterly. His license will be issued as soon as the MOU is signed.

NEW APPLICATION
Heather Dawn Williams

Heather Dawn Williams was asked to come before the Board in regards to her application for licensure as a pharmacy technician. Ms. Yamashita conducted the interview. Ms. Williams discussed her past criminal history. Ms. Yamashita stressed the importance of protecting the public. Ms. Williams stated that in the

last four years she has grown up a lot and feels good about the job that she does. Her support system consists of family, friends, husband, relatives, and her fellow employees. Michelle Hillman, head technician at Smiths Pharmacy, spoke very highly of Ms. Williams and the job she does at the Smith's pharmacy. Ms. Williams also submitted a very positive letter from her supervising pharmacist. A motion was made to approve the application. Motion carried.

NEW STIPULATION:

Mary Jo Cates met with the Board to review her new Stipulation and Order. Ms. Cates is a Pharmacist. Ms. Yamashita conducted the interview. Ms. Cates stated that she had a relapse after 10 years of sobriety. Health problems and the traumatic loss of her dog related to her relapse. Ms. Yamashita discussed the Stipulation with Ms. Cates and she stated she understood all aspects of the Stipulation. The Board stressed the importance of her being in compliance at all times, and that there is no room for error in repeating another probationary period. She stated she had no question about what she needs to do.

IHC:

Eric Cannon met with before the Board to discuss an issue regarding a patient flyer from Select Health suggesting that patients could ask the pharmacist to split tablets as a money saving approach and still provide appropriate dosing. He was accompanied by Tina Aramaki RPh, Darryl Wagner RPh, and Scott Pugsley, Attorney. All employees of IHC.

The Board had some concern about a flyer. It stated, "You can ask your pharmacist to change your current prescription to the higher, double-strength tablet. Pharmacies will adjust the medication strength and directions for the prescription. New prescriptions are not necessary".

After some discussion it was decided this statement was correct and within the Utah Pharmacy Practice Act and Rules as outlined in the Collaborative agreement. However, the physicians and pharmacists participating in the collaborative agreement must have documentation onsite in the each IHC pharmacy specifically stating how the decisions to do tablet splitting will be addressed.

The collaborative agreement language will be reviewed at the next IHC P&T committee meeting so that affected parties will be aware of the requirements. Ms. Yamashita stated that a notation of the collaborative agreement should be written on the original hard copy script in each pharmacy.

PROBATION INTERVIEWS:

Andrea Lowery

Excused- Rescheduled for next month.

Jessica Nelson

Mr. Hill conducted the interview with Ms. Nelson. Ms. Nelson has signed up with Compass Vision to do urine screening as written in her MOU. She stressed to the Board that it is a financial issue and she has not had the money to pay for the screens. Ms. Nelson is employed at a long-term care facility, and has had her license since 3-6-2007. Dr. Munger instructed her to sign up today or the Board will recommend an Order to Show Cause for non-compliance with the Order. She will fax her 12 step cards. Ms. Baker discussed the substance abuse evaluation with Ms. Nelson. A motion was made that she sign up today for Compass Vision, and that she need to submit an employer report and a note stating he has read and understands the stipulation by Monday, April 30, 2007. Ms. Nelson will meet with Susan Higgs after this meeting to complete process of Compass Vision.

LSJ Pharmacy

A phone interview was conducted by Dominic DeRose with Jody Johnson at LSJ Pharmacy. He stated things are going well and that he has two licensed techs and another almost ready to become licensed. He stated he had a tech-in-training that had failed the national exam but is still within her one year period to complete. He was instructed that if a tech fails an exam, the tech must work only as supportive help. The Board is concerned about whether Mr. Johnson's techs that have failed exams and continue to work as technicians-in-training. A recommendation to re-inspect the pharmacy was given and Ms. Baker stated she would follow up with investigations about this. LSJ is currently **in compliance** with the terms of his Order.

Mr. Berntsen met with the Board and was interviewed by Roger Fitzpatrick. The report from his therapist was very positive and she recommended that Mr. Berntsen be released from therapy, and that he continue with visits on an as needed basis. A motion was made to release Mr. Berntsen from his therapy. Motion carried. Mr. Berntsen stated he has about 32 hours of continuing education so far this year. The Board commended Mr. Berntsen on his progress. He is **in compliance** with his Order.

Layne Kilpatrick

Cancelled his request to meet with the Board.

Dan Bowlin

Dr. Munger conducted the interview. Mr. Bowlin stated he is working at Smiths. It was explained to him that even if he works for one day at another pharmacy he must submit a supervisor report. Mr. Bowlin's probation ends in June. He has not submitted a self assessment. This will be Mr. Bowlin's last meeting with the Board if he submits the missing reports. Mr. Bowlin is **not in compliance** with the terms of his Order.

DISCUSSION ITEMS
Southern Nevada University

Larry Fanning met with the Board to discuss the issue of the ratio of externs to pharmacists and how preceptors are to distinguish between the duties of externs and interns. The University of Utah is using the ratio of two externs to one pharmacist. Southern Nevada University is using a one to one ratio currently. It was decided that the 960 hours obtained in experiential courses follow the two to one ratio. The additional hours worked by an intern for compensation must adhere to the one to one ratio.

Ms. Baker asked about a booklet called the "Pharmacy Coordinating Council of Internship Competencies. She is getting calls about it and where students can obtain a copy. Dr. Munger stated that he could email an electronic copy to Ms. Baker, and that it needs to be posted on the DOPL Pharmacy webpage.

HEARING FOR CODY BEAUMONT

NEXT SCHEDULED MEETING

MAY 22, 2007

ADJOURN: Motion to adjourn by Roger Fitzpatrick

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.

6/26/07
Date Approved

(ss) Roger Fitzpatrick, RPh
Chairperson, Utah Board of Pharmacy

6/27/07
Date Approved

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