

MINUTES
UTAH BOARD OF PHARMACY
MAY 22, 2007
ROOM 474 HEBER M. WELLS BLDG
160 E 300 S SALT LAKE CITY UTAH

CONDUCTING	Roger Fitzpatrick
CONVENED	9:10 a.m.
ADJOURNED	12:37 p.m.
MEMBERS PRESENT	Roger Fitzpatrick, Chairman Betty Yamashita, RPh Dominic DeRose, RPh Shawna Hanson, RPh Edgar Cortes, Technician member Marty Hill, Public member
MEMBERS ABSENT	Dr. Mark Munger, Pharm D Diana Baker, Bureau Manager
DIVISION STAFF	Dan T. Jones, Bureau Manager Penny Vogeler, Board Secretary Connie Call, Probation Specialist
TOPIC OF DISSCUSSION MINUTES : April 24, 2007	A motion was made by Ms. Yamashita and seconded by Ms. Hanson to approve the minutes as corrected.
BUSINESS FROM PREVIOUS MEETING:	The following pharmacy technician programs were approved at this meeting: Market Pharmacy Boyd's Pharmacy Utah Navajo Hill Field Military Program was not approved at this time. Ms. Yamashita will be working with them to complete the program.

DISCIPLINE REPORT

Ms. Call presented the probation report for the month of May. The Board was under the impression that Mr. Danjanovich had previously requested early release from probation. Ms. Call will look into this issue. Jessica Nelson was discussed and Ms. Call is concerned about her compliance to her order. It was the feelings of the Board that Ms. Nelson be issued an Order to show cause due to her failure to comply with probation.

NEW STIPULATION:

DANA NIELSON

Mr. DeRose conducted the interview with Mr. Nielson. Mr. Nielson discussed his reason for being here today. Mr. Nielson felt strongly about the issue of unlicensed pharmacy employees being in the pharmacy after hours. The Board stated that no one should be in the pharmacy without the PIC present. He had questions on the additional six continuing education credits and was told the CE does not have to be live but must be pre-approved and deal with lawful pharmacy practice and patient safety. It was suggested he use the internet due to his remote location. This is a public reprimand for Mr. Nielson and he was fined \$1,000.00 to be paid within sixty days.

NEW STIPULATION:

San Juan Pharmacy

This stipulation is separate from the public reprimand for Mr. Nielson. Mr. Nielson is the owner of the San Juan Pharmacy and is therefore authorized to act on behalf of and enter into legally binding agreements of Respondent pharmacy. Mr. DeRose went over the stipulation with Mr. Nielson. He questioned the issue of counseling the patient and was instructed that he must provide documentation that an offer to counsel has been made the box needed to be checked on the form. If not it appears that he did not offer to counsel. Notice and

literature regarding "offer to Counsel" would now be posted. Inventory was discussed and Mr. Fitzpatrick offered a suggestion, to use a log that makes the technicians document for the audit trail. He was instructed he must ask for ID of **every** patient receiving controlled substance and to record data for use in the databank. Patients from the Indian Reservation must be required to have an ID card. A drawing of the gate to the pharmacy was given to the Board. A copy of the drawing was made to be given to Mr. Memmott for review before Mr. Nielson completes the installation. A practice plan was presented and discussed. Mr. Nielson will fax a revised practice plan to the Board. It was suggested he notify investigations when these issues have been completed so another inspection may be scheduled. The next interview will be a phone interview held at a later date. Mr. Nielson was told he could request a release of the pharmacy probation once all changes have been made.

PROBATION INTERVIEW
Cameron Tolley

Ms. Yamashita conducted the interview. Mr. Tolley stated nothing much has changed for him. He has been working 40 hours per week at Smith's. He submitted his 12 step and PIR cards. His therapist report was not submitted. This makes Mr. Tolley **out of compliance** with the terms of his Order. Mr. Tolley stated he had no concerns for the Board. Mr. Tolley will now be seen quarterly. His next interview will be in August 2007.

DAVE ABRAMS

Mr. Fitzpatrick conducted the interview. It has been a year ago since he met with the Board. His employer reports are positive and he is still working at Holladay Pharmacy. He stated all legal charges against him have been dropped. He stated all legal charges against him have been

dropped. The Board has been asking Mr. Abrams for these prescriptions for several months. These prescriptions had been filled by Mr. Abrams inappropriately and resulted in his probation. The Board's feelings were to look into this matter for clarification. In Compliance.

MICHAEL SANCHEZ

Mr. Sanchez was interviewed by Mr. DeRose. Mr. Sanchez has a new therapist that he is very happy with. He feels he is making progress with his personal life. He is working full time. He submitted a request to have his Supervisor reports change from monthly to quarterly. He asked about the group therapy he is attending with his therapist as to whether he can cut back on his 12 step programs and use this group therapy instead. It was suggested he have his therapist submit an outline of material covered in the therapy session. The Board would need more information in order to approve it. Information for the Board's approval. It was the understanding of Ms. Call that Ms. Baker had amended the order, after the last meeting, to change from monthly employer evaluations to quarterly. Mr. Sanchez is in compliance with his order.

ANDREA LOWERY

Ms. Lowery was interviewed by Shawna Hanson. Ms. Lowery has moved to Mona UT and she does not plan to return to work for another year. The Board suggested she attend live CE to stay in touch with other pharmacists. Ms. Lowery appears to be very happy spending this time with her children. She is **in compliance** with the terms of his Order.

NEW APPLICATIONS:
G. KENT NELSON

Mr. Nelson was interviewed by Mr. Fitzpatrick. He discussed openly and honestly with the Board about his addiction and incarceration. Mr. Nelson was asked why he choose pharmacy technician as a

profession. He stated he was looking for a profession where he could go to school part -time and for a short time. He did his externship at Harmon's. Mr. Nelson stated he has been clean since 1986. He is active in a few support groups. The Board had a good feeling about Mr. Nelson. A motion was made by Mr. Hill and seconded to approve the application for licensure.

MCS ENTERPRISES INC

A phone interview was conducted by Ms. Hanson with Mehrdad Hariri of MCS Enterprises. Several questions were asked about the function of the pharmacy and Internet connection. Mr. Hariri was asked to send a receipt for Scrip Pro and a certificate that he has completed the program. A motion was made and seconded that once this information has been received by the Division the Board will approve the application for licensure.

SCOTT NIEWALD

Mr. Niewald was interviewed by Mr. Fitzpatrick. Mr. Niewald submitted an application for licensure as a pharmacy technician. He was asked to discuss his yes answer on his application. Mr. Niewald pled guilty to a DUI. This offense was back in 2003 and all fines have been paid. He has completed all requirements from the court regarding the DUI and is now working at Logan Regional Hospital. After some discussion with the Board a motion was made to approve the license for Mr. Niewald. Motion carried.

PRESCRIBER ALERT

Previously a mailer was sent to the Board labeled "Prescribe Alert". This document will be going out to every holder of a controlled substance license. Mr. Jones asked the Board members how they felt about this document. The feeling of the Board was that a one page document was good and thought prescribers may read it and take a look at their practice.

DISCUSSION FOR NEXT MEETING

Reid Barker of UPhA asked if the Board had any information on pseudoephedrine becoming a controlled substance. The Board will look in to this and have an answer by next month.

ADJOURNED

Mr. Fitzpatrick closed the meeting.

NEXT SCHEDULED MEETING

July 31, 2007

(ss) Roger Fitzpatrick
Roger Fitzpatrick, Board Chairman

June 26, 2007
Date

(ss) Daniel T. Jones
Daniel T. Jones, Bureau Manager

June 26, 2007
Date

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