

MINUTES

**UTAH BOARD OF PHARMACY
MEETING**

June 26, 2007

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

CONVENED: 9:05 am

ADJOURNED: 4:10 pm

Bureau Manager:

Diana Baker, Bureau Manager

Board Secretary:

Penny Vogeler, Board Secretary

Connie Call, Probation Coordinator

Board Members Present:

Dr. Mark Munger, Pharm D
Betty Yamashita, RPh
Shawna Hanson, RPh
Edgar , Technician member
Dominic DeRose, RPh
Roger Fitzpatrick (10:45 a.m.)

Board Members Excused:

Marty Val Hill
Roger Fitzpatrick

Guests:

DOPL Staff Present:

Sandra Hess, DOPL Investigator

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

Ms. Yamashita conducted the meeting due to the fact that Mr. Fitzpatrick was not in attendance at this time. There was not a quorum present at this time so the minutes will have to be approved when a quorum is present.

Probation interview:

Connie Call presented the probation report for the month of June.

BUSINESS FROM PREVIOUS MEETING:
Pharmacy Technician Programs

The Board was looking for ways to improve the pharmacy training program. Therefore, Mr. Cortez was asked to present his ideas for changes that may need to be made to our current technician program standards, or recommendations he may have for improvement. Within his presentation he stressed the importance of a course in pharmacology and lab experience being added to our requirements for technician training. The Board members commended Mr. Cortez on his presentation. He presented pertinent information that may be used in the future and the Board members encouraged Mr. Cortez to follow through with the proposals he feels strong about.

Discussion:

Ms. Yamashita stated she had been ask to bring a discussion issue to the Board regarding the amount of CE for Pharmacists being changed from 15 credits per year rather than 30 for the two year renewal period. After some discussion, the Board decided that they were not in favor of this recommendation. As professionals, pharmacist should be able to obtain all required CE in a 2 year period and according to their own schedules.

Dr. Munger was concerned that the Board has not seen anything on the hearing results for Cody Beaumont. He suggested there be a letter from Judge Eklund by the next meeting. Ms. Baker stated she would look into this matter.

10:45 a.m. Mr. Fitzpatrick arrived and a quorum was now present.

New Application:
Amanda Baldwin

Mr. Fitzpatrick conducted the interview with Ms. Baldwin. Ms. Baldwin is here in regards to her application for licensure as a technician. Her pharmacist, Chris Connole, accompanied Ms. Baldwin. He stated that she is working as a clerk and is doing no technician work. Ms. Baldwin has a current Nevada license, but has not worked 1000 hours in Nevada as required by rule. She is in good standing in Nevada. The Board recommended to not enter into an MOU agreement, but rather issue the fine for unlicensed practice. The Board approved the licensure for Amanda Baldwin. She must only work as a clerk until she receives her license.

Andrew Buckley

Ms. Hanson conducted the interview with Mr. Buckley for his annually required meeting. He stated his life and work were both going well. He is working 7 on and 7 off at IHC. He was recently married. His is the secretary at his PIR group and he is also attending 12 steps. He asked about lifting the 48 hours per week restriction, and a motion was made by Dr. Munger to remove the restriction. Motion carried. His Pharmacist supervisor, Pete Van Aarle, joined the meeting. He stated he wanted Andrew to be able to work in a decentralized setting. The Board stated this would be allowed. Mr. Buckley is in compliance with his Order.

Diann Millikan

Ms. Yamashita conducted the interview with Ms. Millikan. Ms. Millikan stated she is no longer employed at Ogden Regional. She started work on May 7 until June 13. She was really nervous at the job and feels this anxiety was part of the reason for being let go. She is trying to move on from this experience and is interviewing for other jobs.

Her medications were discussed in regards to her UA's. Dr. Munger recommended that she submit a report of her medications from Dr. N. Lee Smith to have the Board evaluate with in 30 days. This reports needs to include dosage, reason and schedule to be taken. Ms. Millikan submitted a letter for release of direct supervision. The Board felt it was early for release.

Ms. Millikan has had a significant change in her demeanor. She stated her therapist is Mat Larsen but she is not seeing him on a regular basis. She does see her APRN about every six weeks, however, the Board recommended that she contact her therapist and get back on track with her sessions with him. Ms. Millikan was very emotional. Other recommendations were to see Dr. Smith, and not just the APRN to help her work through some of her current problems. She was also encouraged to discuss the letter she received from the University concerning her employment and the five year restriction. The Board will see Ms. Millikan next month.

Diann returned to address the Board once again. She

claims to be taking Clonazepam once or twice a day. Dr. Munger told Ms. Millikan it appeared that the dosage has increased and she needs to look at her medicine cabinet. She needs to call Ms. Baker with an explanation of her testing results and call Ms. Call for the results of her drug test within 15 days. Ms. Millikan is not in compliance with her Order.

Timothy Bowcutt

Mr. DeRose conducted the interview. Mr. Bowcutt is still seeing Dr. Atkin, but no report has been submitted. All other required reports have been submitted. Dr. Munger asked Mr. Bowcutt to see his therapist within the next 30 days. He is working at the Magna Smiths and has moved to Salt Lake City. Mr. Bowcutt is not in compliance with his Order.

Isaac White

Dr. DeRose conducted the interview. Mr. White stated he understood his MOU and had no questions. Mr. DeRose stressed to Mr. White to be on top of all issues of the MOU and not let anything slide. Mr. White asked about his CE on ethics and was told it needed to be ACPE approved. He is working at Smiths in SLC. He is also still living with his Mom. Mr. White will be seen quarterly.

Michael Berntson

Mr. Berntson had sent a letter to Ms. Baker requesting termination of his probation. A motion was made to terminate his probation by Dr. Munger. Motion carried.

PUBLIC REPRIMAND
Brian Campbell

Mr. Cortez went over the stipulation with Mr. Campbell. This is a **public reprimand** for Mr. Campbell. Mr. Campbell is a pharmacy technician in the State of Utah and is the owner of Rock Canyon Pharmacy. Mr. Campbell stated he had engaged in a business relationship with Pitcairn, a prescription order processing company, from August until January of 2007. Mr. Campbell failed to determine whether a patient-practitioner relationship had been established with the customers receiving the prescription via the Internet and the physician writing the prescription. Mr. Campbell felt that his shipping of non-controlled drugs via the Internet would not be a problem. Mr. Campbell said he was contacted by Pitcairn and was told they had physicians and they would send all the paperwork required. Mr. Campbell knew the

practitioners were not licensed in the state of Utah. He stated the reason for picking up this type of business was financial. He is required to complete an **additional** six hours of CE within one year, and agrees to **not enter** into an agreement with any company that is based only on an online medical questionnaire or toll free telephone number and does not have a bona-fide patient practitioner relationship.

Mr. Campbell asked Ms Baker about shipping drug to out of state customers, and Ms. Baker told him he would have to contact each state he is shipping to and check on the laws and rules of that state.

NEW STIPULATION:
Rock Canyon Pharmacy

Mr. DeRose also went over the Stipulation and Order for Rock Canyon Pharmacy, owned by Mr. Campbell. Rock Canyon Pharmacy is placed on probation for one year. Fined \$2,000 and agrees not to dispense on the current pharmacist in charge shall meet with the Board on a quarterly and shall present to the Board for inspection and review a computer generated log of all prescriptions filled for patients out- of- state and documentation for the total amount of prescriptions generated from a computer print out for each respective quarter. Respondent shall not dispense any prescription based solely upon an online medical questionnaire or toll free telephone number. Respondent shall not enter into an agreement with any company or individual to fill or dispense prescriptions based solely upon an online medical questionnaire or toll free number and not a bona-fide patient-practitioner relationship.

Acceptance letters for Pharmacy interns

Dr. Munger and Carolyn Kowalchick from the University of Utah Pharmacy discussed the issue of Pharmacy interns and when they should become licensed. A motion was made to allow the intern applicants to obtain a license once accepted to a college. Each college will submit a list of students that have been accepted. Motion carried. A recommendation was made to have a second letter sent from the college to DOPL addressing the students that did not show up for school. Dr. Munger agreed to send a letter to DOPL at the first of September. If the interns do not show up for class their intern license will be revoked. Ms. Baker was concerned about what information should be given out about which interns

can be paid and which interns can not be paid during their studies. It was stated if they are employees of a pharmacy they can be paid. If they are a student doing educational experience they are not paid.

The intern ratio was discussed and it was decided interns getting their educational experiences is one to two and an intern working beyond those experiential hours is one to one.

Long Term Care versus assisted living.
Sandy Hess, DOPL Investigator

Ms. Hess discussed a complaint regarding a pharmacy taking back bubble-packed medications from assisted living facilities and re-dispensing the medication. It was the pharmacy's impression that assisted living facilities were included in the exemption for accepting back medications. Ms. Hess stated that according to Health Facility Licensure, the Health Department considers nursing care facilities and assisted living facilities in the same category as long-term care facilities. However, assisted living facilities do not generally have a full time nurse and the medications are under the control of an unlicensed medication assistant, not a licensed professional.

It was agreed that Ms. Baker and Sandy Hess would visit with the Department of Health for clarification, and then contact the pharmacy regarding their findings.

Felony convictions

Ms. Baker discussed a conversation that she had with the local DEA office regarding pharmacy personnel who have been charged with a felony. She has been made aware of a DEA statute that requires a pharmacy who hires any convicted felon to obtain a waiver from DEA for any pharmacy personnel working here. This apparently is a lifetime restriction from the DEA and the waiver must be issued to the pharmacy and not just the pharmacy personnel. This information should be provided to anyone convicted of a felony who receives a probationary license, or who is given an unencumbered license.

ADJOURN:4:10 p.m.

Motion to adjourn made by Ms. Yamashita

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.

7-31-2007
Date Approved

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

7-31-2007
Date Approved

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