

MINUTES

**UTAH
BOARD OF PHARMACY
MEETING**

August 28, 2007

**ROOM 474– 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:05 a.m.

ADJOURNED: 4:58 p.m.

**Bureau Manager:
Board Secretary:**

Diana Baker
Penny Vogeler

Board Members Present:

Roger Fitzpatrick
Betty Yamashita
Dominic DeRose
Derek Garn
Edgar Cortes
Marty Val Hill

DOPL Staff Present:

Sandra Hess, DOPL investigator
F. David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

**ADMINISTRATIVE BUSINESS:
MINUTES:**

A motion was made and seconded to approve the July minutes as corrected. The June minutes were not voted on in the July meeting, therefore, a motion was also made and seconded to approve the June minutes as written. Motion carried.

Let it be noted that Ms. Yamashita and Mr. Cortes arrived at the meeting.

Swearing in of new member

Ms. Baker swore in David Young RPh as a new member of the Board. Mr. Young is with the University of Utah. The Board welcomed Mr. Young to the Board.

BUSINESS FROM PREVIOUS MEETING:

Dr. Mark Munger

Dr. Mark Munger from the University of Utah came before the Board to discuss the pharmacist to intern ratio. As presented in 156-17b-601 and 156-17b-606 and 156-17b 306 (4).

The U of U will not place an intern in a pharmacy where there are working interns. The feelings of the Board are that a ratio of more than 5 to 1 is much too high. Dr. Munger is asking the Board to look at a rule change to a combination of R156-17b 306(4) and R156-17b 606. Dr. Munger stated once this has been done the new rule should be given to UPhA for publication.

DEFINITION OF LEVELS OF SUPERVISION:

The Board discussed a memorandum from Mr. Stanley, Division Director, to look into the definition of supervision as it pertains to the pharmacy profession. A motion was made and seconded to approve the global definition as written. Motion carried.

PHARMACY TECHNICIAN TRAINING PROGRAMS.

Edgar Cortes:

Returned Kirkpatrick Drug as an approved program. Mr. Cortes agreed to review the Pleasant Creek Family Pharmacy technician program also.

PROBATION REPORT:

Ms. Call, probation coordinator, was excused from the meeting. Ms. Baker presented the probation report. All probationers were compliance with the terms of their order.

PROBATION INTERVIEWS:

Bruce Danjanovich

Mr. Fitzpatrick conducted the interview with Mr. Danjanovich. Mr. Danjanovich is no longer working for Albertsons. Bruce stated he is now working about 30 hours a week at Edgemont pharmacy. He is also doing some moonlighting at Kohler's and Wal-mart.

He wanted to let the Board know how he felt about the supervisor reports that have been apart of his probation. He felt the supervisor report was valuable at the time he was working under supervision but he

stated he is now working without supervision and feels it is no longer valuable. He feels the Board should consider the self assessment form as an alternative. He feels working with Ms. Call is much more valuable. Mr. Fitzpatrick asked Mr. Danjanovich to submit his self assessment and another page on what ever he feels would improve the process, Mr. Danjanovich is going to request fewer supervisor reports at a later date. He is **in compliance** with is order.

Brent Argyle

Mr. Cortez conducted the interview with Mr. Argyle. Mr. Argyle is doing well and is happy with his employment. Mr. Argyle spoke to the new members of the Board and explained he was using drugs to deal with his stress and this is what lead to his probation. He feels his stress level is now reduced and he can handle situations by dealing with the stress. He commented the Board on the experience he has had with them and expressed he now knows how he can remove himself from bad situations. Mr. Argyle has been on probation since November 2004. A motion was made and seconded to release Mr. Argyle from his probation and reinstate his pharmacist and controlled substance license. Motion carried. Ms. Baker will amend the order.

Cameron Tolley

Ms. Yamashita conducted the interview. Ms. Yamashita asked Mr. Tolley to explain to the new members of the Board about his probation, Mr. Tolley stated he took medication from a hospital. These medications were out dated and not on the hospital records. This was discovered a year later and his probation was a result of this incident. He is still working for Smith's Pharmacy forty hours a week. Mr. Tolley is **in compliance with his order**.

Kami Creer

The interview was conducted by Mr. DeRose. Ms. Creer stated she has a new supervisor. She is still working at Smiths in Orem. She was asked to submit a letter stating her new supervisor has read her stipulation. She thanked the Board for their support. Mr. DeRose stated Kami is a great example of recovery and remarked how much she has grown during her probation. She is attending two PIR

meetings and two 12 steps a month. Ms. Creer **is in compliance** with the terms of her order.

Michael Sanchez

Mr. DeRose conducted the interview with Mr. Sanchez. His therapist report was discussed. The therapist felt Mr. Sanchez had accepted the responsibility for his choices. When asked about this Mr. Sanchez was not so willing to agree to the acknowledgement stated in the therapists report. His therapist has suggested he repeat the PPG examination. Mr. Sanchez remarked he had taken that examination on August 4, 2007. The Division does not have the results of that test. Mr. Sanchez has completed his therapy. He is now in aftercare therapy. Once the results of the PPG test have been submitted an amended order will be issued. The Board would like to see some involvement with his wife in his aftercare therapy. Mr. Sanchez is going to school and is thinking of going into administration. Mr. Sanchez **is in compliance.**

Sheryl Ledet

Mr. Hill conducted the interview with Ms. Ledet . She was asked to explain to the Board the reason for her probation. She stated she is on probation due to an addiction and taking drugs from her employer. All criminal charges have been dropped. She submitted a letter of documentation concerning the expungement. Ms. Ledet stated she is taking Suboxone but has not submitted a prescription for it. She was reminded that she has not submitted any prescriptions to the Division since her probation started. She stated she was not aware her stipulation required her to submit prescriptions. After looking into her stipulation the Board informed her that the requirement of submitting prescriptions was not stated in her stipulation but the Board is asking her to submit them at this time Ms. Ledet stated she will follow up and get these prescriptions in to the Division.

She is now seeing Dr. Scott Erickson since Dr. Alan Jepson was not helpful in reducing her Suboxone dosage. Dr. Erickson follows her with regard to her treatment program. Ms. Ledet has not attended any meetings since being dismissed from Drug Court and plea and abeyance. She is currently working at Target

handling freight. She has back pain due to the job and is seeking medical advice. She is taking Cymbalta which helps with her back pain. Ms. Ledet was instructed to submit copies of these prescriptions as well. Ms. Ledet missed UA's for 2/8/07, 5/14/07 and 7/14/07. She stated July 14 was a Saturday and she stated she had spoken to Ms. Call previously and was told she did not need to find another facility. Another time she was told she did need to find another facility. She feels she was misinformed. Mr. Hill reminded Ms. Ledet that she must be fully compliant and because of missing three urine screens her probation of one year will be starting over with the first missed UA 5/14/07. Mr. Hill stated the year will start over because of policy. By policy a missed UA is a positive. Ms. Ledet stated she did not feel this was fair. She asked about her requirement of a law and ethics CE. She was told to submit what she has completed and the Board will look at it for approval. She will submit to Ms. Baker what drugs are being tested for by Frontier Probation through Davis County. Ms. Ledet is now on the OIG list. Mr. Fitzpatrick will e-mail Ms. Ledet information in regards to the OIG. Ms. Baker agreed to submit a letter for Ms. Ledet to PEHP on her behalf. Ms. Ledet needs to make sure she does not miss any more drug screens.

The Board would like to see her on a quarterly basis. She was asked to submit a report from Davis County in regards to her drug testing. This needs to be in by October.

Let it be noted Mr. Hill left the meeting.

Cody Beaumont

Ms. Yamashita conducted the interview with Mr. Beaumont. He gave the new members of the Board an update on his probation. He had planned to go to work for Walgreens but at the present time he is on hold with Walgreens until he has been cleared through the courts in regards to his felony. His attorney says everything is in order and Ms. Baker stated he needs to let his attorney know the DEA has stated if you have **ever** had a felony your employer will need to get a waiver from the DEA before they can hire you. Ms. Baker suggested he try to get his wife to attend meetings and become involved in his recovery. Ms. Baker suggested Al-anon meetings. She also

mentioned there is a lot of good reading material that is available. Mr. Beaumont is **in compliance**.

Dana Nielson

Mr. Garn conducted the phone interview with Mr. Nielson. He stated every thing in the stipulation pertaining to the pharmacy has been completed. Ms. Baker said the investigator will need to do a follow up inspection. Mr. Nielson is **in compliance** with the terms of his order.

Hollie Kilburn

Ms. Yamashita conducted the interview with Ms. Kilburn. She was dismissed from Wal-Mart for miss-use of coupons. She was charged with a misdemeanor. Her license was revoked and placed on probationary status. Ms. Yamashita went over the stipulation to make sure there were no questions on Ms. Kilburn's part. It was stressed that because she is not working in pharmacy her probation period has not started. She plans to go to school and does not know if she will work in pharmacy again. Once Ms. Kilburn starts working she will need to notify the Board. It was explained to Ms. Kilburn that a surrender of a license looks better than an open probation. She will give this some thought and get back to the Board.

Tomi Jill Meir

Mr. Fitzpatrick conducted the interview with Ms. Meir. She Meir was issued a **public reprimand** for failure to disclose respondent's conviction's upon applications for licensure as a pharmacy technician and pharmacy intern. When applying for licensure as a pharmacist she answered **yes** to having a misdemeanor within the past 10 years. She was publicly reprimanded and was Ms. Meir is now working at Cottonwood Hospital. She now knows she needs to take things more serious. The Board wished her luck with her future.

Laura Tautfest

Mr. Fitzpatrick conducted the interview. Ms. Tautfest was brought before the Board after pleading guilty to on count of theft by deception, a misdemeanor. Ms. Tautfest converted gift cards incentives from the pharmacy where she worked for her own use. She is making payments to pay for restitution. She is

working full time at the Medicine Shop in Bountiful. Her supervisor has submitted his report. The Board offered information on CE. She will meet with the Board on a quarterly basis. November will be her next meeting with the Board.

NABP

NABP informed the Board of Pharmacy that they will no longer be doing testing for interns until the end of November. It was decided to extend the intern licenses to 12-31-07. It was suggested Ms. Baker contact the AG's office about issuing a temporary license for out of state applicants at no charge until the testing issue has been resolved by NABP. Ms. Baker will get back to the Board as to the out come of this matter.

Probation Interview.
Diann Millikan

Ms. Yamashita conducted the interview with Ms. Millikan. She thanked the Board for their help with her addiction. She is now interviewing for jobs. She has plans to interview with Cardinal Health. Ms. Millikan is showing a little more hope with moving on. She is seeing Matt Larsen, her therapist, more often and feels he is helping her by making some of her own decisions. She listed the drugs she is taking. Her database report is in line with her medications. She is seeing Dr. Smith tomorrow. The Board asked Ms. Millikan to send them a report from Dr. Smith. Her plan is to prove to herself that she can succeed in a pharmacy. Once she is employed she needs to present a practice plan to the Board. She will contact DOPL at this time. Ms. Millikan

Orlando Hill

Mr. Hill was interviewed by Mr. Cortez. Mr. Hill stated things are going well at this time. He brought the new board members up to date on his probation. He was arrested for a DUI on Hill Air Force Base and tried to run from the officers, he also had a problem with incorrect information on his application. Mr. Hill is in class to become a pharmacist. He is going to Salt Lake Community College at the present time. He is working at the U of U in the Red Butte Pharmacy. His next meeting will be in December. He stated he has learned not to put himself in a bad situation. It has been a learning process for him. Mr. Hill is **in compliance.**

Kerry Brown

Mr. Brown was interviewed by Mr. Fitzpatrick. His inventory was submitted. He mentioned there has been another incident in the pharmacy. His wife had again taken medications from the pharmacy. He has now been instructed to take extra security measures in the pharmacy. Mr. Brown is in the middle of court hearings at this time. The DEA is also involved at the present time. He asked the Board if he would be able to perhaps open a closed door pharmacy. He asked the Board if he can work more than 40 hours a week and he was told he has some flexibility. He was asked to keep DOPL informed. Mr. Brown is **in Compliance** with the terms of his order.

Controlled Substance Data Base:
Marvin Sims

Mr. Marvin Simms, of the Controlled Substance Data Base, came before the Board to discuss the exemptions of the drug Butalbital. He stated in Utah there are no exemptions. All prescriptions dispensed containing Butalbital are required to be reported to Utah's Controlled Substances Database Program (CSDB) Butalbital is considered a schedule III in Utah.

Walgreens /Vaccine Protocol were discussed with the Board. Their protocol was compared to our protocol. Ms Baker stated she does not want a lot of protocol floating around. Ms. Baker documented the changes to the protocol. The changes made by Ms. Baker will be passed on to the Walgreens Representative.

Andrew Buckley

Mr. Buckley presented a request to be released from direct supervision. This would allow him to work in a retail pharmacy. A motion was made and seconded to remove Mr. Buckley from direct supervision and to change to general supervision. Motion carried. Ms. Baker will **amend the order**.

ADJOURN: 4:58

Roger Fitzpatrick made a motion to adjourn.

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.

9-25-2007
Date Approved

(ss) Roger Fitzpatrick
Chairperson, Roger Fitzpatrick

9-25-2007
Date Approved

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