

**MINUTES**

**UTAH  
BOARD OF PHARMACY  
MEETING**

**September 25, 2007**

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

**CONVENED: 9:07**

**ADJOURNED: 2:10 pm**

**Bureau Manager:  
Board Secretary:**

Diana Baker  
Penny Vogeler

**Board Members Present:**

Roger Fitzpatrick  
Betty Yamashita  
Derek Garn  
Edgar Cortes  
Derik Garn  
David Young

**Board Members Absent:**

Marty Hill

**Board Members Excused:**

Dominic DeRose

**Guests:**

**DOPL Staff Present:**

Sandra Hess, DOPL investigator  
Connie Call, Probationer Coordinator  
F. David Stanley, Division Director

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:  
MINUTES:**

The minutes from the 08/28/2007 meeting were approved with corrections. A motion was made by Ms. Yamashita and seconded by Mr. Garn. The vote was unanimous. Motion carried.

**NABP MEETING**

Ms. Baker and Mr. Fitzpatrick will be attending the NABP Annual meeting in Oregon during the month of October. Utah will be hosting this meeting next year. They will bring information back to the Board next

month. Dr. Munger will help as the AACP representative. Dr. Munger would like to see the date and location firmed up by end of the year.

**BUSINESS FROM PREVIOUS MEETING:**

**Pharmacy Technician Training Programs**

Pheasant Creek Family Pharmacy submitted a program to the Board for review as a possible training facility for pharmacy technicians. Mr. Cortes reviewed the program and found it to be incomplete at this time. Pheasant Creek has been notified of the inadequacies and will resubmit the program.

**NABP TESTING**

Diana Baker

Ms. Baker has contacted the Attorney Generals office about issuing a temporary license for out of state applications at no charge until the testing issue with NABP has been resolved. The AG's office has approved this license to be issued with a MOU. The first available NAPLEX examination must be taken with NABP or the temp license will be revoked. The applicant must have passed the MPJE exam also.

**PROBATION REPORT:**

Connie Call

Ms. Call presented the probation report. The probationers that were out of compliance were discussed. Ms. Ledet has been sending in information in regards to her drug testing. The Board agreed to look at her file for review at the next meeting and get back to Ms. Ledet.

**PROBATION INTERVIEWS:**

Diann Millikan

**No Show**

The Board was later notified that Ms. Millikan had called stating she was ill and unable to attend the meeting.

S. Rich Wright

Ms. Yamashita conducted the interview with Mr. Wright. He stated he had been going through a lot of stress. Mr. Wright stated he has been going through a divorce. He has a son and is going through visitation rights at this time. He has also changed jobs. He is now working for Smiths in Provo. He stated he is exhausted both emotionally and physically and has tried to avoid triggers to prevent relapse. He recently spoke at the U of U to the pharmacy students and felt

it was a great experience. He mentioned he has remained sober through these stressful times. Mr. Wright is taking Suboxon but it is not showing in his data base report for some unknown reason. Mr. Wright had no explanation for this and stated he is presently taking two pills a day. The Board asked about his being asked to leave for the day at the Smiths Pharmacy where he had previously been working. He explained that he was on his second dose of Suboxon and was reacting to the medication when he was asked to leave work that day. He does feel the Suboxon is helping. The Board asked Mr. Wright to submit a letter from his new supervisor stating he has read the stipulation and understands what is required of him. He discussed his taking a valium from a friend when he was out of his own medication. He knows this was the wrong thing to do but felt he was desperate. He has a management program with his physician. His new Physician is Dr. Cary Welch whom is working with Mr. Wright to reduce his medications. He is attending at least two aftercare meetings a week. His father is living with him and he enjoys the companionship. Mr. Wright discussed his interaction with Ms. Call, probation coordinator, and spoke very highly of all the help she has offered him. Ms. Yamashita asked what advice he would have for the pharmacy students attending the meeting today. He spoke to them about the importance of hanging with a good crowd, not to work too hard, take time for themselves and stay away from drugs.

Timothy Bowcutt

Mr. Fitzpatrick conducted the interview with Mr. Bowcutt. He was accompanied by his wife. Mr. Bowcutt is now working for Smiths in Magna. He is enjoying his employment. Mr. Bowcutt said he had been working extra hours in the summer but is slowing down at this time. He is attending his twelve steps in Ogden. He is not sponsoring anyone at this time. His probation is up in April of 2008. Mr. Bowcutt is **in compliance with the terms of his order.**

NEW STIPULATION  
Reid Acord

Mr. Fitzpatrick conducted the interview with Mr. Acord. The purpose of this meeting was to review the stipulation. Mr. Acord stated that on April 3, 2005 he took two Lortab, for severe pain, from his employer. Then on April 4<sup>th</sup> he was admitted to the

hospital. He was hospitalized for 2-3 weeks. He stated he turned himself in a few years ago but it has taken this long to get to this point. Mr. Fitzpatrick stated there were several discrepancies with his statement and the DOPL investigations. The stipulation states approximately 200 pills were taken. Mr. Fitzpatrick was very upfront and honest with Mr. Acord and stated he needed to come clean, be honest, and earn the respect of the Board. Ms. Baker asked how many pills he had actually taken and he admitted that 200 could be right. He has now signed up with Compass Vision and will start his testing Friday. He stated he **does not have a drug problem** but did in the past.

Mr. Fitzpatrick reviewed the stipulation with Mr. Acord. Mr. Acord stated he has no pending allegations. He has not renewed his license and had questions about doing so. He will renew today. He is employed at Costco in West Valley. He stated he has reviewed his stipulation with his employer but has not submitted notification. He was asked to submit a letter from his employer stating he has read and understands the stipulation. He said he had a physical examination completed in July by his personal physician and will have the physician send in a copy of the results. Mr. Acord was instructed to call Dr. Ettringer to set up another appointment with him. The Board will wait for this evaluation before they make a decision on the recommendation for therapy. Mr. Acord's family practitioner is Dr. Joseph Jensen of Bountiful, Utah. He stated he will change his pharmacy to the Costco in Bountiful, Utah rather than the Costco where he is employed. He has picked a twelve step program and has a sponsor. He was reminded that he can not work alone and must have supervision at all times. His PIC is Brian Moller. Mr. Acord will be seen **every month for six months**.

DISCUSSION ITEMS:  
APM MACHINE  
Bill Holmes/ Walt Bain

Mr. Bill Holmes and Walt Bain came before the Board to discuss the APM Machine. The purpose of their being here was to answer any questions the Board may have concerning this machine. A bar code is used to identify the medications. The system has a way of pulling return to stocks. It enables pharmacist to fill out of stock items. The Pharmacy can require no

controlled substances if so desired. No human error when loading. The machine has been tracked for four years with no error. A phone number is located on the machine for counseling purposes. If the pharmacy is not open customer is asked to come back for counseling. The pharmacist controls the machine. Every transaction is recorded and can be tracked. Records are maintained for five years. HIPAA requirements are covered by a black screen. Can print labels in 52 different languages. Roger asked what kind of documentation is given to the pharmacies. They give them a manual of what is done in the pharmacy and on the patient side. Each employee must read and acknowledge they have read it. They provide training to the pharmacy. It is interfaced with all systems. It survives in a very difficult area and is ADA and IBC compliant. Ms. Baker stated the Board cannot support or recommend a specific machine. She recommended they stay within the laws of the state. DOPL investigators were concerned about the issue of positive identification. Mr. Holmes stated the FDA has never been an issue and they have the approval of the DEA.

UINTAH BASIN MEDICAL CENTER  
Lonnie Anderson

Lonnie Anderson of Uintah Basin Medical Center came before the Board requesting the law be waved Concerning their delivery process. Ms. Baker reminded them the law can not be waived.

A recommendation was made to have all drugs not picked up that day be returned to the Uintah Basin Pharmacy in Roosevelt. This could be supportive personnel or a bonded currier.

NEW APPLICATION:  
Candice Leigh Giles

Mr. Cortes reviewed the application for licensure as a pharmacy technician for Ms. Giles. Ms. Giles gave her explanation of what took place with the DUI. She is seeking help with the alcohol issues. She has an on going court probation. She has completed all that has been required of her except for completion of the probation period. She was told she had a year from the day she graduated to become licensed. The law reads one year from the start date of the program. A motion was made and seconded to **issue a license with a MOU** to comply with all terms and requirements of her probation with Chapman Security.

The vote was unanimous. Motion carried.

#### Fourth Street Pharmacy

Andrew Draper PIC of the Fourth Street Pharmacy. The discussion today pertains to the use of Samples. The Fourth Street Pharmacy has Cupboards full of labeled samples. The patients can receive drugs through suppliers. The samples were not being bought or sold. Samples have been the way to get patients started on their meds. The medications are sent from suppliers and placed on the shelves for patients. They are never used to replenish stock. They have been told by suppliers they do not need to send it back but to use as samples under the supervision of physician's patients. Drugs are identified. A proposal was made by Andrew Draper to ask the Board to continue to use the samples to start the patients on their medication. The Board recommended a policy be made to cover the unused drugs stating after a period of time these drugs may be used as stock.

If a supplier has labeled a bottle for a specific patient and the drug has been repackaged it can not be placed on the shelf and must be destroyed.

#### PRESCRIPTIONS FOR CLOSED PHARMACIES: Jared Memmott

Jared Memmott, DOPL investigator had some concerns about how prescriptions are being handled in Class E pharmacies. A copy of the way the prescriptions are being received was submitted. The Board has issues with there not being any physician information on the form. A recommendation from the Board was to have this form re designed.

Ms. Baker recommended Mr. Memmott contact the long term care facilities and tell them the prescriptions are invalid and they are in violation of the law.

#### Sheryl Ledet

Ms. Ledet has submitted several documents to Ms. Baker to prove her sobriety over the past several months. The recommendation from the Board was to table this issue for next month when there are more Board Members present.

**PHARMACY TECHNICIANS:** Tabled to next month due to time issues.  
Edgar Cortes

**CORRESPONDENCE:**

**NEXT SCHEDULED MEETING:**  
October 23, 2007

**ADJOURN:** Motion to adjourn 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.*

10/23/2007 (ss) Roger Fitzpatrick  
Date Approved Chairperson, Utah Board of Pharmacy

10/23/2007 (ss) Diana Baker  
Date Approved Bureau Manager, Division of Occupational & Professional  
Licensing