

MINUTES

**UTAH
BOARD OF PHARMACY
MEETING**

OCTOBER 23, 2007

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

CONVENED: 9:07 a.m.

ADJOURNED: 2:10 p.m.

**Bureau Manager:
Board Secretary:**

Diana Baker
Penny Vogeler

Board Members Present:

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

DOPL Staff Present:

Sandra Hess, DOPL investigator
Connie Call, Probationer Coordinator

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

**ADMINISTRATIVE BUSINESS:
MINUTES:**

The minutes from the 09/25/2007 meeting were approved with corrections. A motion was made by Mr. DeRose and seconded by Ms. Yamashita. Vote was unanimous. Motion carried.

**DISCUSSION ITEMS:
Ms. Ledet**

Last month there was not a quorum to discuss Ms. Ledet's request to reinstate her license. After much discussion and additional information received from Ms. Ledet from Frontier Probation through Davis County, it appeared that Ms. Ledet had satisfied all the requirements of the drug screens but one. A motion

was made by Mr. Hill to grant a probationary pharmacist license without a controlled substance dispensing license. Seconded by Mr. DeRose. Vote was unanimous. Motion carried.

A motion was made to make the following changes to the amended order. The probation shall be extended to seven years. Must have direct supervision; submit supervisor and therapy reports monthly. Must submit a practice plan once employed. Drug stipulation must also include alcohol screening. Must attend Professionals In Recovery and AA each 4 times per month. Ms. Ledet must also complete additional CE in law and ethics. Ms. Ledet will be invited to attend the November pharmacy meeting. Ms. Ledet is **not in compliance** with the terms and conditions of her order because she has not renewed her license.

DISCUSSION ITEM:
PHARMACY TECHNICIANS
Pharmacy Technician Training Programs

Edgar Cortes, Pharmacy Technician member of the Board, presented his ideas and recommendations for the improvement of pharmacy technician training in Utah. These changes would involve rule changes to 156-17B (D). It is Mr. Cortes understanding that there are fifteen states that now license technicians. Mr. Reid Barker, of UPhA, stated he will e-mail a list of the fifteen states to Ms. Baker. He will also look into the standards of the ASHP training program. Once this information is obtained a meeting will be scheduled for the Board to meet and discuss options.

PROBATION REPORT:

Ms. Connie Call presented the probation report for the month of October with the Board.

PROBATION INTERVIEW:
LSJ Pharmacy

Mr. Fitzpatrick conducted the phone interview with Mr. Johnson of LSJ Pharmacy. Mr. Johnson stated things are going very well. He has one more technician to become licensed and will be taking the certification test in November. He stated he is doing about 100 scripts a day. He has his expired drugs and the cleanliness of his pharmacy under better control. He is **in compliance** with the terms of his Order.

PROBATION INTERVIEW:
Diann Millikan

Ms. Millikan was interviewed by Ms. Yamashita. Ms. Millikan stated she is working for Smiths. She is under stress because she feels she has to be fast, and please everyone but herself. Ms. Millikan is very

open about her depression and submitted a letter to the Board with regards to it. Ms. Yamashita stated the Board is very concerned about her. She was asked to tell the Board what processes she has put in place for herself. She said she is trying to be aware of her stressors. She has been trying to get out of the house and is working on taking better care of herself. She has been struggling with sleep and has not been eating properly. She feels her lack of sleep is affecting her work. She stated she becomes emotional and flustered at work. Ms. Millikan said if she were someone looking at her performance, she would have reason for concern and say get it together.

She feels she is at her best with the customers and that her depression and anxiety have not affected her relationship with her customers. She stated she is not able to do what is required for her to deal with her recovery at this time but has not had any relapses. She feels confident as a pharmacist but not as a person. Ms. Millikan stated she worked about 8 shifts in the month of October. This was actually unlicensed practice because her license expired on 9-30-2007. She became aware of this when she was reminded by her supervisor that she had an expired license. The Board reminded her that it is her responsibility to renew her license not the responsibility of her supervisor. The Board was very supportive of Ms. Millikan and asked that she be invited back next month. She has been offered another job with a better schedule which may work better for her. Ms. Millikan is **not in compliance** with her Order.

PROBATION INTERVIEW:
Orlando Hill

No Show.

PROBATION INTERVIEW:
Paul Lund

Mr. DeRose conducted the interview with Mr. Lund. He asked Mr. Lund about applying for his controlled substance license. He responded that he is not in need of a controlled substance license at this time and it was his understanding if he were to have the license he needed to work where he was using it. He will consider applying now he understands the process. A motion was made by Mr. Hill and seconded by Mr. DeRose to terminate Mr. Lund's probation on his pharmacist license; his controlled substance license remains revoked. The vote was unanimous. Motion

carried. Mr. Lund thanked the Board for giving him the chance to become the person he is today.

PROBATION INTERVIEW:

Mary Jo Cates:

Ms. Yamashita conducted the interview with Ms. Cates. She stated she will complete her aftercare program in January. She is current on all her paperwork and progress reports. She is seeking employment and has prospects at Cardinal Health, IHC, and Smiths. She asked the Board about terminating her direct supervision and was told the standard was at least one year of active practice before this can be considered. Ms. Yamashita reminded Ms. Cates that she will need to submit a practice plan prior to accepting a position of employment. Ms. Cates will meet with the Board on a quarterly basis starting in January. She is **in compliance** with her Order.

PROBATION INTERVIEW:

Jane Persinger:

Mr. DeRose conducted the interview with Ms. Persinger. She stated she is working at the University of Utah in inpatient pharmacy. She stated the thing she had learned most during her probation was that she was grateful for a second chance. A motion was made and seconded to terminate her probation. Vote was unanimous. Motion carried. Ms. Baker will amend her Order.

NEW APPLICATION:

Mr. Lyman

Mr. Garn conducted the interview with Mr. Lyman. His application for licensure as a pharmacy technician was brought to the Board for review. Mr. Lyman had drug charges involving marijuana against him in high school. He stated he did well in technician school and Mr. Garn stated he also did well on his examinations. Mr. Lyman said he spent four days in jail and it was a real wake up call for him and he has been clean ever since. Mr. DeRose made a motion and seconded by Ms. Yamashita to approve the application for licensure. Vote was unanimous and the motion carried.

NEW APPLICATION:

PWR Pharmacy Closed Door
Mail Order Pharmacy

No Show- Invite to next months meeting

Wayne Community Health Care
Enterprise Valley Branch

The formulary was discussed and approved by the members the Board.

DISCUSSION ITEMS:

San Juan Pharmacy/Investigations Report Ms. Baker read the investigation report for San Juan Pharmacy. Mr. Dana Nielson, Pharmacist and owner of San Juan Pharmacy, is requesting the pharmacy be released from probation. A motion was made and seconded to release the probationary status from San Juan Pharmacy.

CLOSED MEETING:

Mr. Hill made a Motion to close the meeting in accordance with (52-4-205(1) (a) to discuss the character, professional competency, or physical or mental health of two individuals. Ms. Yamashita seconded the Motion. All Board members in favor. The meeting was closed at 1:15 p.m.

BOARD MEETING RE-OPENED:

Mr. Fitzpatrick made a motion to re-open the Pharmacy Board Meeting. Mr. Hill seconded the motion. All Board members in favor. The meeting was opened at 1:30 p.m.

DECISION

Mr. DeRose made a Motion that after thorough review of the information regarding Diann Millikan and Philippa Howell Morgan, the Board feels that both individuals need to submit to a physical evaluation and a neuropsychological evaluation to provide information regarding physical health and to rule out any cause that may impact their ability to practice pharmacy safely. Mr. Cortes seconded the Motion. All members in favor.

ADJOURN:

Ms. Yamashita made a motion to adjourn. Time 2:00 p.m.

NEXT SCHEDULED MEETING:

November 27, 2007

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.

11-27-2007
Date Approved

(ss) Roger Fitzpatrick
Chairperson, Utah Board of Pharmacy

11-27-2007
Date Approved

(ss) Diana Baker
Bureau Manager, Division of Occupational