

MINUTES

UTAH
UTAH BOARD OF PHARMACY
MEETING

December 18, 2007

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

CONVENED: 9:05 a.m.

ADJOURNED: 4:46 p.m.

Bureau Manager:
Board Secretary:
Probation Coordinator

Diana Baker
Penny Vogeler
Connie Call

Board Members Present:

Roger Fitzpatrick, RPh
Betty Yamashita, RPh
Derek Garn, RPh
Edgar Cortes, Technician Member
David Young
Dominic DeRose, RPh
Marty Hill, Public Member
Connie Call

Board Members Absent:

Guests:

Noel Taxin, DOPL Bureau Manager

DOPL Staff Present:

F. David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:
MINUTES:

A motion was made and seconded to approve the minutes from the 11/27//2007 meeting with corrections. All in favor. Motion carried.

Mr. Stanley told her she needs to say she is under sanction. Chelsea Buma needs an MOU stating random UA. A two year probation was recommended.

BUSINESS FROM PREVIOUS MEETING:

Jay Bawden's stipulation was discussed and the Board has some concern with the canceling he has been

through and they would like more discussion about his problem with theft. He will be seen next month.

Mr. F. David Stanley

Mr. Stanley announced to the Board that Ms. Baker has announced her retirement from DOPL and will be moving to Omaha Nebraska. He introduced Noel Taxin, a current Bureau Manager for DOPL, as her replacement. Ms. Taxin will take over in February and Ms. Baker will remain on staff as a consultant indefinitely. He praised Ms. Baker for a job well done and stated she will be missed tremendously. The Board welcomed Ms. Taxin and congratulated Ms. Baker on her retirement.

DEA/ Electronic Signature

Leanette Wingert, supervisor for the DEA diversion program came before the Board and to discuss electronic signature.

She presented handouts for the Board members concerning the multiple prescribing issues. Mr. Stanley discussed the "Daws" bill before the legislature concerning "real time". He recommended the Board wait for the outcome of this bill before going any further with this issue. Ms. Wingert discussed the Policy of changes that a pharmacist can make to the prescription. A copy of the "Policy" and the summary of the discussion are attached.

PROBATION REPORT
Connie Call

Ms. Call presented the report. Several probationers were not in compliance. Cody Beaumont will be asked to come in January. Diann Millikan has admitted herself into an inpatient physiological program. Diann will be seen in January also. Rich Wright has been terminated from Smiths and is working at three different pharmacies. Sheryl Ledet will be seen next month due to lack of paper work being sent in. Tim Bowcut has missed several calls in to compass vision and also several tests. Tim responded to Ms. Call and said he had several family issues going on and will be in to talk to the Board at his scheduled meeting. Issac White will be seen in January due to being out of compliance. It was the

understanding of Ms. Baker that Reid Acord has surrendered his license.

Ms. Call has submitted a letter to all probationers as of last Friday stating she will no longer be sending be a non compliance letter. After much discussion, on the outcome of what does the Board do if they do not comply, Ms. Baker told the Board they would have to step up to the plate and be tough on the probationers who do not get their paper work in on time.

**PROBATION INTERVIEW:
Timothy Bowcutt**

The Board discussed notes in Mr. Bowcutt's file from his last visit stating they would like to release him from probation at the December meeting. Mr. Fitzpatrick conducted the interview with Mr. Bowcutt. He was accompanied by his wife. Tim stated he wanted to be straight forward with the Board and said he had relapsed about a month ago. He said after he and his wife had returned from vacation a month and a half ago they had been doing a lot of he arguing. She then became ill. She had prescriptions for pain medications in the house which he took. He then started buying drugs off the street. He realized he was going backwards in his recovery. His wife has had several tests and they were not sure what was happening with her. Tim took full responsibility for his relapse and was not blaming his wife. Mr. Fitzpatrick ask him where he was today and he stated he has been in touch with her sponsor but had not been attending any meetings or seen his physician. He stated he is still having problems today He stated he took drugs this morning and has been taking between 6-8 Lori tabs a day (5mg-10mg) He said he also had taken some Oxycodone products and some methadone. Mr. Fitzpatrick asked why he had not been in to see his Doctor to take care of himself. Tim stated he did not know but stated he obviously has a lot of emotional issues and problems with depression and thinks about suicide all the time. He said he wanted to come before the Board and get things out in the open and go from there. He feels there was so much happening. He and his wife had decided to get through today and start making appointments for him later. He stated he was approached by his employer asking if he was alright and that he was concerned for his license. He was going to talk to his supervisor

after today and also to his District Manager.

He really did not know where to start. Mr. Fitzpatrick told Mr. Bowcutt his status is now back to square one with the Board. Mr. Hill stated about how the Board felt he was much further along than he is the coping mechanisms were not in place and that Mr. Bowcutt is not able to continue working and continue both for him and for the safety of the public... Mr. Bowcutt agreed but was reluctant. He also thought about the suboxon program and asked if he would be a candidate. At this time Mr. Fitzpatrick recommended he need to look at an inpatient program again. Mr. Fitzpatrick spoke to Mr. Bowcutt about having to get off the drugs and get himself into an inpatient program and stressed the fact that he can not work. The Board discussed doing an Order To Show Cause and start over with his probation after Tim has dealt with his current issues. It was discussed that he looks into Smith's plan for FLMA. He was told to call the HR department today. He had not discussed his relapse with his supervisor and stated he was scheduled to work today. Mr. Hill stressed that Tim needed to call in sick today and contact both his supervisor and also his district manager today. Mr. Fitzpatrick stated he needed to be man of action today. Ms. Baker asked Tim if he has ever worked impaired and he stated he had. Over the last month and a half perhaps maybe every other day. He tried to only use when he was going to be at home. Mr. Hill asked if he ever took medication from work and he stated he had not. Tim said he had never thought about looking into employee assistant program but if he were to walk in today his thoughts would be to either kill himself or, at this time Mr. Fitzpatrick stated that this is not even an option. A motion was made by Mr. Hill and seconded by Ms. Yamashita to issue an order to show cause due to total lack of compliance and violation of his probation. Motion carried. Mr. Bowcutt seemed to be unclear as to what steps to follow and it was reiterated to him once again as to the steps he needs to take. It was explained to him that he need to approach this as a recovery program not admissions of using drugs. Call his employer first and then EAP program and ask who to contact, when will short term disability kick in, is FLMA paid? The Board was encouraging to Mr. Bowcutt and expressed they knew he could get

through this once again. Mr. Fitzpatrick asked Tim to keep in touch with Ms. Call and stated the Board was pulling for him and want him to be successful. Ms. Bowcutt said she would let the Board know what they decide to do.

PROBATION INTERVIEW

Laura Tautfest

Ms. Yamashita conducted the interview with Ms. Tautfest. She stated she is working full time at the Medicine Shoppe and being a Mom. According to her stipulation she was suppose to be sending in supervisor reports. She stated her supervisor said he had put it in the mail. Work is going well and she stated she is very busy. She said she had received the letter from Connie and was aware of the importance of being compliant. She asked about where she can get her addition four hours of CE. Mr. Barker spoke of the CE that will be available in April. She was also told to go to the UPHA web site and also Ogden Weber ATC. She must have completed this CE by mid February.

PROBATION INTERVIEW

Warren Enterprises/Brent Warren

Mr. Warren was interviewed by Mr. DeRose. He is the Pharmacist in charge at Salmon Pharmacy. The technician at this pharmacy was over her year and Mr. Warren was issued a Public Reprimand for allowing her to work with out a license., could not produce proper records were not kept for the compounding being done. Mr. Warren needs to pay a \$1000 fine within sixty days. He has not yet paid the fine. He must complete an additional six CE hours within the two year renewal period. He questioned if the CE is ACPE approved would it be acceptable by the Board. He was informed that all CE must be ACPE approved.

Mr. Warren was under the understanding he had one year from the time the technician started with him to complete the program. He stated he was not informed by the school she came from on this matter.

Salmon Pharmacy will be on probation for one year, and pay \$2000 in fines with in sixty days. Mr. Warren read a statement stating how he plans to rectify the issues for which he was cited. He was asked to put policy and procedure on paper and submit it to the Board. All matters were acceptable to the Board. Ms. Baker stated she will arrange for an investigator to re-visit the pharmacy, and once the CE has been

completed it may be possible for the one year may be terminated at an earlier date.

NEW APPLICATION:
PWR

Leslie Alexander came before the Board and was interviewed by Ms. Yamashita. She stated she is trying to open a Closed Door Class B pharmacy at the present time and later do an internet pharmacy and obtain a stipulation and consent order. If this does not happen she would be affiliated with someone who she believed was close to obtaining a consent order. She would be contacting Urologists in the state of Utah. She stated she is all set up and is ready for an inspection. Ms. Alexander appeared to be misinformed about the patient physician relationship. Ms. Baker stated there has to be a valid consent order as stated in 58-1. This can take up to two years to complete. Ms. Alexander was not willing to be up front with the Board and was very evasive. Mr. Fitzpatrick stated he was not comfortable granting licensure to any one who will not give the Board they information they need to make a responsible decision. A motion was made and seconded to deny the application. Mr. Fitzpatrick stated if want to go further with PWR they must present a detailed business plan, the type of software they plan will be using and how they are going to receive and transmit prescriptions. Ms. Alexander wanted to discuss Kwick Med Pharmacy even though Ms. Baker informed her that this matter could not be discussed due to an on going investigation. Ms. Alexander would not leave the meeting even though she had been dismissed at least twice. Ms. Baker left the meeting to invite the next scheduled person in. Ms. Alexander finally left the meeting not willing to except the decision of the Board.

PROBATION INTERVIEW
Orlando Hill

Mr. Hill came before the Board for his final interview with the Board. He was interviewed by Ms. Yamashita. He stated he has learned a lot from his probation and made the decision not to drink again. This changed his life for the better and thanked the Board helping him to become a better person. A motion was made and seconded to release Mr. Hill from his probation. All in favor. Motion carried.

DISCUSSION ITEMS:

Ms. Baker discussed the decision made by the Board last month in regards to an Intern doing the final check. The decision was that it is up to the discretion of the pharmacist to make this decision. The Pharmacist in charge must use professional judgment in regards to allowing the intern to counsel and in allowing them to do the final check.

Market Pharmacy
Formulary

Market Pharmacy submitted a formulary for the Board to review. After reviewing the formulary it was the decision of the Board to have Mr. Holt add the number of bottles per drug, the number of pills in each bottle, what does as directed mean, each patient must receive the USP guide and he must visit the pharmacy monthly. Ms. Baker will respond to Mr. Holt as to the Boards findings.

PROBATION INTERVIEW
Michael Sanchez

Mr. Sanchez had submitted a letter requesting early termination of his probation and a letter from his therapist stating he be released from his therapy. A motion was made and seconded to remove the therapy clause from his stipulation. Motion carried.

The feelings of the Board, in regards to his request for early release of his probation, were to deny the request. They felt that it is too soon and they would like to see how he does without being in therapy for a while.

ADJOURN: 4:46 p.m.

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.

01/22/2008
Date Approved

Roger Fitzpatrick
Chairperson, Utah Board of Pharmacy

01/22/2008
Date Approved

Diana Baker
Bureau Manager, Division of Occupational & Professional
Licensing