

MINUTES

**UTAH
PHARMACY
HEARING AND
BOARD MEETING**

February 26, 2008

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

HEARING:

CONVENED: 9:30 A.M.

ADJOURNED: 2:00 pm

**Officiating Officer
Attorney General**

Judge Steve Eklund, Administrative Law Judge
Karl Perry, AG

**Bureau Manager:
Bureau Manager:
Board Secretary:**

Noel Taxin
Diana Baker
Karen McCall

Board Members Present:

Roger B. Fitzpatrick
Derek D. Garn
Dominic DeRose, Jr.
Marty Val Hill
Betty Yamashita
David C. Young
Edgar Cortes

9:00 A.M.

Reid A. Acord, Hearing

Judge Eklund conducted the Hearing. A transcript of the Hearing is available through Judge Eklund's office.

9:30 A.M.

S. Rich Wright, Hearing

Judge Eklund conducted the Hearing. A transcript of the Hearing is available through Judge Eklund's office.

BOARD MEETING CONVENED: 9:00
A.M.

ADJOURNED: 9:30 A.M. for the S. Rich Wright
Hearing

RECONVENED: 2:00 P.M.

ADJOURNED: 4:45 P.M.

Bureau Manager:

Noel Taxin

Bureau Manager:
Board Secretary:

Diana Baker
Karen McCall

Board Members Present:

Roger B. Fitzpatrick
Derek D. Garn
Dominic DeRose, Jr.
Marty Val Hill
Betty Yamashita
David C. Young
Edgar Cortes

Guests:

Joanne Chapman, Pharmacy Student
Paola Ponce, Pharmacy Resident
Kyla Glade, Pharmacy Student
Gerry Hassell, Wal-Mart Pharmacy
Greg Jensen, Target Pharmacy
Danita Stead, Wal-Mart Pharmacy

DOPL Staff Present:

David Stanley, Division Director
Kent Barnes, Compliance Manager
Connie Call, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the January 22, 2008 Board meeting were read.

Mr. DeRose made a motion to approve the minutes with minor corrections. Ms. Yamashita seconded the motion. The following Board members voted in favor of the motion: Dominic DeRose, Jr., Marty Val Hill, Betty Yamashita, David C. Young, Edgar Cortes and Roger B. Fitzpatrick. Derek Garn abstained from voting as he was not present for the meeting.

FYI

Ms. Taxin informed the Board that the Legislative update will not be discussed at today's meeting.

Ms. Baker stated that the Pharmacy Bill will probably be presented to the Legislature at the summer session. She stated that the Board may want to keep in touch with Reid Barker. Ms. Baker informed the Board that Senator Kilpack is the sponsor of the Bill.

APPOINTMENTS:

Connie Call, Compliance Specialist,
Probationary Update

Ms. Taxin explained that Mr. Stanley has created a compliance unit in the Division to be sure probationers are in compliance and meeting their Stipulation requirements. She stated that the Pharmacy Board has had Connie Call conduct a presentation regarding the people in and out of compliance and will continue to meet with the Board to update them. Ms. Taxin stated that Ms. Call will also provide a short summary regarding why each person is on probation.

Ms. Call stated that she has been requested to discuss those who are in compliance and not meeting with the Board first, then report on those who are out of compliance and then report on probationers who are meeting with the Board.

Ms. Call reported that Bruce Danjanovich is in compliance with his Stipulation and Order.

Ms. Call reported that Dave Abrams is in compliance with his Stipulation and Order.

Ms. Call reported that Kami Creer is in compliance with her Stipulation and Order.

Ms. Call reported that Olympus Pharmacy is currently out of compliance with their Stipulation and Order.

Ms. Call reported that Laura Tautfest is currently out of compliance with her Stipulation and Order. She stated that Ms. Tautfest e-mailed Ms. Baker that she had a conflict with today's meeting and will be rescheduled to meet in March.

Ms. Call was unable to complete the report as Judge Eklund called the Board to appear for the Hearing.

1:30 P.M.

Ruzanna L. Mnatsakanyan, Review Revision
on Qualifying Questionnaire

Ms. Mnatsakanyan met with the Board for the review of her revised Qualifying Questionnaire.

Board members and Division staff were introduced.

Mr. Hill conducted the interview.

Ms. Mnatsakanyan explained to the Board that she received a DUI in August last year. She stated that she did not disclose the information on the Qualifying Questionnaire as it was a misdemeanor. Ms. Mnatsakanyan stated that she was surprised to get the letter stating that her finger print report documented something and she would have to redo the Qualifying Questionnaire. She stated that she redid the Questionnaire and submitted it with a letter from her attorney. Ms. Mnatsakanyan stated that she received an active license in December 2007 from the Division. She stated that she called Penny Vogeler who gave her instructions on what she should do.

Ms. McCall informed the Board that the license had been issued in error and when Ms. Mnatsakanyan brought it to the attention of Ms. Vogeler, the licensed was rescinded and put back on the pending list.

Mr. Hill asked Ms. Mnatsakanyan to explain the disposition of the case.

Ms. Mnatsakanyan responded that the case is still open and has been postponed. She stated that her attorney informed her that he will negotiate for the minimum fine but that has not yet happened.

Mr. Hill informed Ms. Mnatsakanyan that when a license is issued from the Division it is a certification from Utah that the judgment of the license can be trusted when people around then are at their worst. He stated that Pharmacists need to have good judgment and are capable of giving the care that they have been trained to give. He stated that Ms. Mnatsakanyan has demonstrated that she can not be trusted to use good judgment.

Ms. Mnatsakanyan responded that this is the only thing she has on her record. She stated that she is work-aholic who is first at the job and strives to do her best. She stated that the last time she had a drink was on New Year's Eve and she has learned her lesson regarding drinking and driving. She stated that she

has also learned that it is better to be honest at face value. Ms. Mnatsakanyan stated that she is working downtown and has had an offer to work in a Smith's Pharmacy. She stated that her internship was completed at Savon Pharmacy.

Mr. Fitzpatrick made a motion to approve Ms. Mnatsakanyan's application for Pharmacy Intern licensing based on Ms. Mnatsakanyan's explanation of why the Qualifying Questionnaire answers were different.

Mr. Hill seconded the motion.

The Board vote was unanimous.

1:50 P.M.

Spencer Edwards, Probationary Interview

Mr. Edwards met for his probationary interview.

Board members and Division staff were introduced.

Ms. Taxin conducted the interview.

Ms. Taxin requested Mr. Edwards to briefly explain to the Board why he is on probation.

Director Stanley interjected that Mr. Edwards should not have to re-live his experience in front of the Board.

Ms. Taxin explained that this is Mr. Edwards first meeting and the Board is not informed as to why he is on probation.

Mr. Edwards explained that 2 years ago he was working in a coffee shop and when customers paid with a credit card he would add a tip for himself. He stated that it was a misdemeanor for fraudulent charges.

Ms. Taxin stated that the amount was about \$1,300.00.

Mr. Edwards responded that the amount can not be proven.

Ms. Taxin asked if Mr. Edwards has read the Memorandum of Understanding (MOU) and, if he has, to briefly explain his understanding of what he is required to do during his probation.

Mr. Edwards responded that he has read the MOU and he understands that he has to meet periodically with the Board, have random drug tests, maintain an active license, and have supervision reports submitted.

Ms. Taxin stated that Mr. Edwards is correct. She explained that Mr. Edwards is required to drug test as he disclosed that he had been drinking and is under-aged. She stated he will meet quarterly with the Board unless otherwise notified and if he is not working in the field he must complete the supervision form monthly himself documenting that he is not working in the field, otherwise, his supervisor will complete the form and submit it to the Division. She stated that Connie Call will be his contact person at the Division and if his reports have not been received, Ms. Call will contact him. Ms. Taxin stated that Mr. Edwards is also required to work 16 to 48 hours a week, he is to inform his employer that he is on a probationary license and give the employer a copy of the MOU to read. She stated that the employer is required to write a letter that the MOU has been read and he or she is willing to supervise Mr. Edwards and assist him in being successful in his probation. Ms. Taxin stated that the employer is also required to submit quarterly reports. Ms. Taxin stated that Mr. Edwards is also required to complete an additional 3 continuing education (CE) hours with the focus on law and ethics within 6 months. She explained that the hours must be pre-approved and he may contact Ms. Call when he locates the course or courses he would like approved to be sure it meets the requirements.

Ms. Yamashita recommended Mr. Edwards contact UPhA regarding ethics courses through them.

Mr. Hill recommended he google Pharmacy Ethics. He stated that Mr. Edwards should make sure any

CE he is interested in completing is ACPE accredited.

Mr. DeRose asked where Mr. Edwards is currently employed.

Mr. Edwards responded that he is currently employed at Walgreens.

Ms. Taxin stated that Ms. Call reviewed the drug testing requirements with him but Mr. Edwards needs to be sure to call every day as the testing is random and he does not want to miss a test.

Mr. Edwards responded that he has 2 trips in the back country planned this summer and is not sure telephone service will be available.

Ms. Taxin recommended that he contact Ms. Call when he has the specific dates and locations of his trips and Ms. Call will give him direction regarding the drug testing.

Mr. Edwards asked if each drug test is \$60.00 as that is a lot of money and he is not a drug user. He stated that having to take drug tests makes him feel like he is a criminal.

Ms. Call responded that he is correct in that each drug test is \$60.00.

Ms. Taxin stated that if Mr. Edwards questioned the drug testing he should have addressed his concerns and questions prior to signing the Stipulation.

Mr. Fitzpatrick commented that informing the Board that he drinks and is underage tells the Board that he needs the drug testing to be sure he abides by the Laws of Utah. He stated that he agrees with the requirement and will not discuss the requirements written after the fact of Mr. Edwards signing the document. Mr. Fitzpatrick stated that if Mr. Edwards is thinking of appealing the MOU then his appointment needs to be terminated until the appeal has been reviewed and

goes to a Hearing.

Ms. Taxin recommended Mr. Edwards think about what he wants to do and then call her regarding his decision. She stated that this is not the forum for an appeal discussion.

Mr. Edwards responded that he was informed that he could appeal the requirements in the meeting today.

Ms. Call stated that he asked her about taking out that requirement and she informed him that he should ask Ms. Taxin her opinion.

Ms. Taxin explained that there is a process. She stated that Mr. Edwards may discuss the process with her after this meeting but in the meantime if he could agree to the requirements he needs to contact Ms. Call regarding the dates he will be out of town. She continued that Mr. Edwards probation officer must submit a report regarding his probation with the courts. She stated that he needs to review the MOU and make sure he meets all requirements.

Ms. Call informed Mr. Edwards that the employer reports, and self reports are due between the 1st and 5th of each month. She gave the forms to Mr. Edwards and explained them to him.

An appointment was made for Mr. Edwards to meet again on May 27, 2008.

Mr. Hill stated that at some point in the probation process Mr. Edwards will come to the understanding that the requirements, the money he spends and meeting with the Board are a result of his own actions. He stated that if Mr. Edward's completes the requirements he will receive a clear license. Mr. Hill stated that it is a privilege to have a Utah license and the licensee needs to be a responsible person. He stated that the probation will go much easier if Mr. Edwards comes to that realization early in the process.

Ms. Taxin stated to Mr. Edwards to call her to talk

about the issues he may still have with his MOU requirements.

2:10 P.M.

Cameron Tolley, Probationary Interview

Mr. Tolley met for his probationary interview.

Division staff were introduced.

Ms. Yamashita conducted the interview.

Ms. Yamashita stated that Mr. Tolley last met in November 2007. She stated that it appears that all information has been received. Ms. Yamashita informed the Board that Mr. Tolley has requested his supervision be changed from direct supervision to general supervision. She then requested Mr. Tolley to update the Board regarding what he has been doing.

Mr. Tolley responded that the passing of Mr. Bowcut has been difficult for him but he has completed his divorce and is now working on visitation rights with his children. He stated that Ms. Yamashita is correct that he has requested the Board to consider changing his supervision from direct to general.

Ms. Taxin responded that the request is from Mr. Tolley and the Board needs a recommendation from the therapist and supervisor before considering his request.

Ms. Call stated that she had explained the process to Mr. Tolley.

Mr. Tolley responded that he will request his therapist to include the recommendation in his report.

Mr. Young asked Mr. Tolley if therapy has helped him and, if it has helped, to explain what he has learned.

Mr. Tolley responded that therapy has helped him but he does not believe it is necessary any longer.

He stated that he is now one of the seasoned Pharmacists and has been able to assist people who

come in overwhelmed at work.

Ms. Yamashita asked Mr. Tolley what he does to keep from relapsing.

Mr. Tolley responded that he spends time with his niece and nephew and his 2 cats. He stated that he has started being social again and has been on a couple of dates and has started riding motor bikes with his father.

Ms. Yamashita responded that Mr. Tolley's activities are good for him. She asked him to explain what he has learned from this experience.

Mr. Tolley responded that it has been difficult and there are stages that he went through. He stated that one of his best experiences was working for the neighborhood pharmacy in Magna. He stated that he has tried to make Hospice patients as comfortable as possible. He stated that he has seen how patients waste their lives to get medications but the Doctor's are giving the medications to them. Mr. Tolley stated that he has learned that he is still evolving and with the new attitude he has more of an understanding of what a difficult job the Board has to discern between really good stories and the truth. He stated that this understanding has helped him to have a better understanding of why the Board behaves they way they do. Mr. Tolley stated that he can share his understanding with the PIR group as they sometimes believe the Board is mean. He stated that if he has a good attitude then he can help others have a good attitude.

Ms. Yamashita asked Mr. Tolley what changed his attitude.

Mr. Tolley responded that working with people who have problems and admitting to the problems has helped him.

Ms. Yamashita stated that the Board does not want probationers to just go through the motions of completing the requirements of their probation but are interested in having them benefit from the

process. She stated that it appears Mr. Tolley has made some progress. She stated that Mr. Tolley's therapist needs to submit a report.

Ms. Taxin requested Mr. Tolley to ask the therapist and supervisor to include a recommendation regarding the supervision and any additional recommendations he may have.

Mr. Tolley responded that he will contact his therapist today and a report may be faxed this week.

Ms. Yamashita asked if Mr. Tolley is still working at Smith's.

Mr. Tolley responded that he is still at Smith's. He stated that he works with 3 Pharmacists and they just hired Dave Brickmore who he did his rotation with. He stated there are times that one technician is better than 2 other technicians.

Ms. Call informed Mr. Tolley that the Board would like to move him to the March meeting schedule which means he would meet again in June.

The Board determined Mr. Tolley is in compliance with his Stipulation and Order.

An appointment was made for Mr. Tolley to meet again June 24, 2008.

Mr. Young stated that the Board is here for Mr. Tolley and if he has questions, problems or concerns the Board will do what they can to help him.

Mr. Cortes asked Mr. Tolley to explain what he meant when he said that at times one technician is better than 2 other technicians.

Mr. Tolley responded that he believes work ethics are different in different people. He stated that some people enjoy talking to people but lack the work ethics to get the work done while others see work to be done and do it.

Mr. Cortes stated that if there is a problem Mr. Tolley could send people home until they are ready to work.

Mr. Tolley responded that he is trying to find a way to ask people to work and to chat on their own time. He stated that it is a work in progress and he will report on the progress when he meets again with the Board.

Mr. Tolley asked the Board if they could give him any idea on their thoughts of changing his supervision from direct to general.

Ms. Yamashita responded that he has been on probation for almost a year and a half.

Mr. Fitzpatrick asked how much of the year and a half he has been on probation has he been sober.

Mr. Tolley responded that he was sober for 2 to 5 months prior to being on probation.

Mr. Hill asked how changing from direct supervision to general supervision would change his work.

Mr. Tolley responded that the change would make his supervisor very happy.

Ms. Yamashita stated that the Board usually requires requests to be made in writing.

Mr. Tolley responded that he put the request in his self assessment and it is also in the report from his therapist.

Ms. Taxin suggested further discussion take place during his next appointment. She recommended he write a specific request and explain why it would be a good decision for him and the people he serves.

Ms. Yamashita stated that by the next appointment the Board would have the letter from his therapist and supervisor with a recommendation regarding the issue.

Ms. Call stated that if the paperwork is submitted prior to Mr. Tolley's next appointment the Board would discuss the issue at the next Board meeting even if Mr. Tolley is not present.

2:30 P.M.

Hollie Kilburn, Probationary Interview

Ms. Kilburn met for her probationary interview.

Division staff were introduced.

Ms. Yamashita conducted the interview.

Ms. Yamashita requested Ms. Kilburn to update the Board on what she has been doing since her last appointment.

Ms. Kilburn responded that she is now a single mother and she is still working with IHC. She stated that she works 40 hours a week and loves her work.

Ms. Yamashita asked if Ms. Kilburn has completed the CE requirement.

Ms. Kilburn responded that she has searched for courses in Pharmacy Ethics and cannot find anything available. She asked the Board for recommendations.

Ms. Yamashita responded that there is a Pharmacy conference in April in St. George.

Mr. Garn reminded Ms. Kilburn that the CE requirement is to be completed within 8 months which is March 25, 2008 and the April conference is after the deadline. He suggested Ms. Kilburn try RXschool.com for CE information.

Ms. Taxin reminded Ms. Kilburn that the CE must be pre-approved. She stated that Ms. Kilburn should submit the course description and syllabi to Ms. Call or to her to review to be sure it meets the requirements in order to approve.

Ms. Kilburn responded that she only needs to complete 2 hours.

Ms. Yamashita read the Order and stated that the

requirement is for 4 additional hours. She instructed Ms. Kilburn to fax a copy of the certificate of completion to the Division as soon as the course has been completed for the Board to review at her next appointment.

The Board determined Ms. Kilburn is presently in compliance with her Stipulation and Order.

An appointment was made for Ms. Kilburn to meet again on May 27, 2008.

3:10 P.M.

Michael Sanchez, Probationary Interview

Mr. Sanchez met for his probationary interview.

Division staff were introduced.

Mr. DeRose conducted the interview.

Mr. DeRose stated that Mr. Sanchez has submitted a request for early termination of his probation. He asked Mr. Sanchez to explain in his own words his request.

Mr. Sanchez first gave Mr. DeRose a new address and telephone number. He then responded that he asked the Board for early termination in November 2007 and was instructed that he needed to make the request by letter. Mr. Sanchez stated that he submitted a letter in December and the Board had discussion without him present.

Ms. Taxin clarified that before December 2007 Mr. Sanchez requested termination of therapy and termination of his probation. She asked if he was notified that therapy was terminated.

Mr. Sanchez responded that Ms. Taxin was correct and that Ms. Call and Ms. Baker notified him.

Ms. Taxin stated that she has read his reports and the evaluation. She stated that the evaluation documented quite significant issues Mr. Sanchez would need to work on. Ms. Taxin stated that she has not seen those significant types of issues be

resolved in a year period. She asked Mr. Sanchez to explain how he completed the therapy in a year time. She also asked if he has a copy of the evaluation.

Mr. Sanchez responded that he does have a copy of the evaluation and has read it. He explained that his therapist said therapy would be a year to a year and a half. Mr. Sanchez stated that he met with his therapist weekly with group therapy weekly and completed the program. He stated that he thought the therapy was educational and productive and he learned a lot about communication skills, thoughts, feelings and marriage.

Ms. Taxin stated that the evaluation recommended marital therapy. She asked if he and his wife followed through with martial therapy.

Mr. Sanchez responded that they did have therapy on and off and the last session was in May 2007. He stated that he believes his marriage relationship and communications are on track as he no longer holds in his thoughts and feelings and is more open with his wife.

Mr. DeRose stated that the Board concerns were that Mr. Sanchez has always pushed the issues with his wife aside and has not owned up to meeting the girl. He stated that the Board has seen improvement in Mr. Sanchez but there are still concerns.

Ms. Taxin asked if Mr. Sanchez wife would be willing to write a letter to the Board regarding their communications and relationship and if she feels Mr. Sanchez's issues have been addressed.

Mr. Sanchez responded that his wife would not like to meet with the Board but believes she would write a letter. He stated that it is difficult to locate employment with a probationary license and he needs different employment to continue going to school.

Mr. Hill asked if his employment with the VA is a contract position.

Mr. Sanchez responded that it is a contract position without any benefits.

Mr. Hill commented that Mr. Sanchez probation was for a 3 year period and will end in March 2009.

Ms. Taxin asked Mr. Sanchez if he would be willing to get another evaluation or go to another therapist.

Mr. Sanchez responded that he wants off probation and believes going to another therapist would be overkill.

The Board commented that they would be more comfortable considering early termination if Mr. Sanchez had a second opinion from another evaluator or another therapist.

Ms. Taxin stated that she could give Mr. Sanchez the name of Janice Pompa, another evaluator and therapist if he is interested. She stated he could contact Dr. Pompa and tell her the Board has concerns and are requesting a second opinion.

Mr. Sanchez disagreed. He stated that he does not understand why the Board would ask for a second opinion when he completed the requirement outlined in the Stipulation and Order.

Mr. Hill voiced his concerns regarding early termination and stated that the last few months the Board has noticed significant progress in Mr. Sanchez. He explained that the first portion of the probation Mr. Sanchez did not grasp what he needed to do to complete his probation. Mr. Hill stated that this next year will only get better for Mr. Sanchez if he continues improving. He stated that probation is to help Mr. Sanchez make a full recovery and is not intended as a punitive measure. Mr. Hill stated that if Mr. Sanchez looks back on the 5 years he will probably notice the difference in himself.

Mr. Cortes stated that Mr. Sanchez is near the 2 year mark and he should realize that some of his

plans will have to wait until he has completed his probation.

Mr. Sanchez responded again that the therapy he had should be sufficient.

Ms. Taxin stated that prior to terminating therapy the therapist must submit a final report which should include the issues that were addressed and the Board could either accept the report or request additional therapy to work on issues that may not have been addressed.

Mr. Fitzpatrick stated that Mr. Sanchez could also request his therapist to conduct another evaluation. He asked Mr. Sanchez what his issue is regarding not wanting to go to another therapist.

Mr. Sanchez responded that he completed therapy according to his therapist. He stated that the therapy was the average length of time and no sessions were skipped.

Mr. Cortes stated that Mr. Sanchez is correct in that he did complete the requirement. He stated that the Board could give him the choice of completing his probation.

Ms. Taxin stated that the Board could request Dr. Brunson to provide an assessment to this point. She stated that they could request him to review his initial evaluation and the issues the therapist has addressed and if Dr. Brunson believes Mr. Sanchez has met the requirement in that short of time then submit a recommendation report. She stated that the Division would need to provide Dr. Brunson with all the therapy reports.

Mr. Sanchez agreed with Dr. Brunson re-evaluating as a second opinion.

Mr. Young stated that the Board has requested evidence at each appointment that Mr. Sanchez is not a threat to the public and has never received that documentation. He stated that if the Board could interview Mrs. Sanchez there might be some

type of evidence that the Board could hear.

Mr. Sanchez responded that he could ask his wife to write a letter but she would not meet with the Board.

Mr. Hill asked Mr. Sanchez why his wife would be hesitant to meet with the Board.

Ms. Taxin responded that Mr. Sanchez is the one on probation and he needs to provide documentation and evidence to the Board/Division that he is safe to practice.

The Board tabled Mr. Sanchez request for early termination until a later date.

An appointment was made for Mr. Sanchez to meet again on May 27, 2008.

Ms. Taxin reminded Mr. Sanchez that he may request to meet with the Board prior to his May appointment if he has additional documentation to present to the Board.

Mr. Fitzpatrick asked if the letters should be notarized as there has been a problem with letters from other individuals.

Mr. Sanchez stated that his wife could walk her letter up to Ms. Taxin or he can get it notarized.

Ms. Taxin responded that Mrs. Sanchez could hand deliver the letter to her and then she can talk with Mrs. Sanchez. She stated that if the letter is hand delivered then it would not have to be notarized.

Mr. Sanchez disclosed that he has not attended SAA meetings since October or November 2007. He stated that he would also like the Board to consider terminating the requirement of SAA attendance.

Mr. Fitzpatrick responded that the remaining requirements of probation will remain in effect and a request for early termination of attendance to SAA meetings will not be considered at this time. He stated that Mr. Sanchez must attend the

meetings as required.

Ms. Taxin responded that the SAA meetings are a good support system for Mr. Sanchez. She stated that the Board could consider early termination of the requirement if there were no concerns, however, there are concerns and Mr. Sanchez needs to continue attending the meetings at least until the May appointment. She stated that maybe Mr. Sanchez therapist's report/letter could also include a recommendation regarding discontinuing attendance at the SAA meetings. Ms. Taxin stated that with a recommendation from the therapist the Board could then consider the request but the request may still be denied.

Ms. Taxin commented that she has a concern that Mr. Sanchez believes his probation and the requirements are a waste of his time and with that thinking then it is also a waste of the Board's time.

3:30 P.M.

Sheryl Ledet, Probationary Interview

Ms. Ledet met for her probationary interview.

Division staff were introduced.

Mr. Hill conducted the interview.

Ms. Ledet reported that she has attended Professionals in Recovery (PIR) meetings in Taylorsville. She stated that she is following the rules and guidelines and enjoying her work.

Mr. Hill reminded Ms. Ledet that she had stated she would contact someone regarding sending a therapist report to the Division. He asked if she was able to make contact.

Ms. Ledet responded that she was unable to contact the person and believes he has been deployed. She stated that she faxed her Dr.'s appointment schedule as he is her aftercare, treatment and recovery contact. She stated that there has been a change in personnel at her employment and that she is no longer in Davis County.

Ms. Taxin asked if another therapist has been assigned to her.

Ms. Ledet responded that there has not been another therapist assigned to her. She asked if she is required aftercare in addition to attending PIR meetings.

Ms. Taxin responded that she needs to be going to therapy and PIR until the Division receives a report of termination and progress from her therapist or she would need to have another evaluation to determine if both are required.

Ms. Ledet stated that she would have to change her work schedule if she is to attend the aftercare program. She stated that she does attend the PIR and 12 step program 4 times a month.

Ms. Taxin informed Ms. Ledet that therapist's cannot abandon their patients and if her therapist has left the area the files would be given to another therapist to continue the care of the patients.

The Board notified Ms. Ledet that until a letter is received from her therapist or another therapist indicating her maximum benefit has been achieved, she must continue the aftercare as she is out of compliance with the Stipulation and Order requirements.

Ms. Taxin asked Ms. Ledet to include the full date on her attendance cards as without the information it is unknown as to the dates and year she has attended. Ms. Taxin also requested Ms. Ledet to make copies of her attendance cards for PIR for the Division to retain in her file and she may keep the originals.

Ms. Ledet responded that the concern in the Psychological evaluation she had was her aftercare. She stated that her treatment at that time was only aftercare.

Ms. Taxin stated that she noticed Ms. Ledet's husband also attended the aftercare program.

Ms. Ledet explained that in 2005 she put herself in a program and in 2006 her husband started attending with her. She stated that he now has about 16 month of sobriety and hers is longer.

Mr. Fitzpatrick asked how she is doing with the reinstatement of the OIG.

Ms. Ledet responded that she has had her request for reinstatement in to OIG for about 90 days but has not yet had a response. She stated that she has applied for a position as a Pharmacist but has not heard from them. Ms. Ledet stated that she disclosed that she has a probationary license. She asked if she should notify the Division if she is contacted for an employment interview.

Ms. Taxin responded that she does not have to notify the Board/Division for permission to interview but she should contact Ms. Call if she hears from OIG, is employed or if she has any questions.

The Board determined Ms. Ledet is out of compliance based on the report/letter from the therapist has not been received.

An appointment was made for Ledet to meet again May 27, 2008.

3:50 P.M.

M'Rithaa Njeru Kanampiu, Review request for Extension of Pharmacy Intern License

Mr. Kanampiu met with the Board regarding his request for an extension of his Pharmacy Intern license.

Board members and Division staff were introduced.

Mr. Kanampiu explained that he is from Kenya, was licensed in California and then returned to Kenya for a period of time. He stated that he believed he could return to California and renew his license but discovered the Law had changed and he would have to meet specific requirements to obtain his license again. He stated that he is now no longer seeking licensure in California. Mr. Kanampiu explained that he came to Utah and obtained the Pharmacy Intern license but has

had difficulty preparing for the NAPLEX exam and would like the license extended for another year in order for him to continue working. He stated that he completed about 750 hours in California.

Ms. Taxin commented that with an extension, Mr. Kanampiu would have more than the required 1,500 hours.

Following discussion, Mr. Hill made a motion to extend Mr. Kanampiu's Pharmacy Intern license for 1 year, until April 20, 2009, only and Mr. Kanampiu will be expected to have completed all requirements for Pharmacist licensing, include the examination, by that expiration date.

Mr. Cortes seconded the motion.

The Board vote was unanimous.

DISCUSSION ITEMS:

September 17, 2008 NABP/AACP Conference Update

Mr. Fitzpatrick updated the Board regarding the arrangements for the NABP/AACP September 17, 2008 conference. He stated that the Canyons in Park City has been secured as the Hotel/Conference site, and the rooms and speakers have been secured. He stated that his committee has received the e-mail list of Board members in Districts 6, 7 and 8 and sent out e-mail information, they have gone through the AACP list and e-mailed all who have e-mail addresses and are now working on the final brochure and registration information to be sent within the next few months. Mr. Fitzpatrick stated that the committee is in need of Board members to provide 5 topics for open discussion, of which 3 topics will be chosen.

Mr. Young asked if the conference will have group projects included.

Mr. Fitzpatrick responded that schedule is quite full at this time and there may not be time for group project.

Mr. Young recommended Mr. Fitzpatrick consider a discussion on ethics.

Mr. Hill recommended Mr. Fitzpatrick consider discussion dinner groups.

Mr. Fitzpatrick thanked the Board for their recommendations and stated that the committee would like to involve their spouses to assist where possible. He stated that Board members will also be needed to assist.

Mr. Hill volunteered to assist where needed.

FYI

Ms. Taxin explained that an individual from MedWeb has contacted her to arrange a date for MedWeb to conduct a presentation to the Pharmacy Board and Physician's Board. Ms. Taxin stated that she would need 3 volunteers to meet on one of the following dates: Monday, March 31, Tuesday, April 1 or Wednesday, April 2, 2008 from 9:00 am to about 11:00 am.

Ms. Yamashita and Mr. Garn volunteered for Wednesday, April 2, 2008. Mr. DeRose volunteered but requested he confirm on February 27, 2008, after he has checked his schedule.

Ms. Taxin thanked the Board and stated that she will confirm the date and time after she has contacted the Physician's Board and MedWeb.

2008 Board Meeting Schedule

The Board noted the following dates for the 2008 Board meeting schedule: March 25, April 22, May 27, June 24, July 22, August 19, September 23, October 28, November 25 and December 16, 2008.

CORRESPONDENCE:

USA Today, Wednesday, February 13, 2008,
Article "Inside a Pharmacy Where a Fatal
Error Occurred"

Board members reviewed article. **No Board action was taken.**

Castleview Hospital Pharmacy Technician
Education Program Review

The Board noted the information submitted by Castleview Hospital Pharmacy for a Pharmacy Technician Education Program and requested Mr. Cortes to review the program and report back to the Board on March 25, 2008.

NEXT MEETING SCHEDULED FOR: March 25, 2008

ADJOURN: The time is 4:46 pm and the Board meeting is adjourned.

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.

03/25/2008
Date Approved

(ss)Roger B. Fitzpatrick
Chairperson, Utah Pharmacy Licensing Board

03/13/08
Date Approved

(SS)Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing