

MINUTES

**UTAH
PHARMACY
BOARD MEETING**

April 22, 2008

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

CONVENED: 9:04 A.M.

ADJOURNED: 4:55 P.M.

Bureau Manager:
Board Secretary:
Division Compliance Specialist:

Noel Taxin
Karen McCall
Connie Call

Board Members Present:

Roger B. Fitzpatrick
Betty Yamashita
Derek Garn
Dominic DeRose
Edgar Cortes
David Young

Board Members Absent:

Marty Val Hill

Guests:

Joseph Jardine, Legal Counsel for J. Michael Hodges
Greg Jensen, Target
Linda Sandberg, Omnicare
Jaime Peterson, Walgreens
Crystal McCoy, PharmD Student
Andrea Chan, PharmD Student
Atif Ali, University of Utah
Judy Nielsen, Walgreens

DOPL Staff Present:

David Stanley, Division Director
Kent Barnes, Compliance Coordinator
Jared Memmott, Investigator

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the March 25, 2008 Board meeting were read.

Mr. DeRose made a motion to approve the minutes as amended. Mr. Young seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:30 am to 10:15 am

Noel Taxin, Public Meeting Training

Ms. Taxin explained that yearly she is to conduct a Board training regarding the Open and Public Meetings Act for each of her Boards.

Ms. Taxin distributed the information and reviewed it with the Board. Ms. Taxin informed the Board that discussion of Board business of 2 or more Board members constitutes a Board meeting. She stated that all Board business is to be conducted in formal recorded Board meetings. She cautioned the Board to be aware that discussion of matters that were discussed in a Board meeting or should be discussed in a Board meeting should not be discussed privately with decisions being made.

Ms. Taxin reviewed her handout and the following remarks are some highlights.

Mr. Cortes asked if it would be possible to send a letter to all the Pharmacy Technician education programs explaining the Laws and Rules.

Ms. Taxin responded that it is the responsibility of the licensees to understand the Laws and Rules and the Laws and Rules are available on the Division website at www.dopl.utah.gov. She stated that the Division does not have the resources to send letters of explanation and Laws and Rules to each licensee.

Mr. Young asked if the Division ever sends out a newsletter.

Ms. Taxin responded that the Division has a newsletter but not a specific profession newsletter. She stated that writing a newsletter would be her responsibility and right now she does not have the time it would take to write one.

Ms. Yamashita asked about the possibility of

having a newsletter on the website or frequently asked questions.

Ms. Taxin responded that if the Board is aware of a concern or issue they may request the Division to post the information on the website but at this time there is not a specific pharmacy newsletter on the website.

Ms. Taxin stated that it is very difficult to verify accuracy of information and to update and maintain the website. She stated that any application or Laws and Rules changes are currently made on the website.

Ms. Taxin informed the Board that if an item is not listed on the agenda it should not be discussed at a Board meeting and cannot be voted on. She stated that comments may be made regarding a specific topic that should be included on the next agenda for discussion.

Ms. Taxin reminded that Board that the meetings are taped and are available to the public for \$12.00 a disc. She stated that the approved minutes are posted to the website and a hard copy retained by the Division.

Ms. Taxin stated that there may be times when a Board meeting should be closed. She stated that discussion of mental health competency, medical issues, information being disclosed of a personal nature or private information being disclosed are reasons to close the meeting. Ms. Taxin stated that embarrassment is not a reason to close the meeting. Ms. Taxin stated that probationers being incompetent based on not following proper procedures would not be a reason to close the meeting but if a mental health evaluation is reviewed the meeting would be closed as that is confidential information. She stated that during closed session discussion may take place; minimal notes may be taken by the secretary but not detailed minutes. She stated that information learned in a closed meeting cannot be used in an open meeting. Ms. Taxin stated that upon closing a meeting the Board, Division staff and the individual may remain in the meeting but all public visitors would be required to leave the meeting until it has been reopened.

Mr. DeRose asked if Ms. Taxin is suggesting that meetings be closed for probationary interviews if

the discussion moves into personal and private issues and information.

Ms. Taxin responded that Mr. DeRose is correct. She stated that sometimes she may say that it might be in the best interest of the probationer to request the meeting to be closed. She asked the Board to take her lead on that issue.

Ms. Yamashita clarified that the Board cannot use or discuss in an open meeting information learned in a closed meeting.

Ms. Taxin responded that Ms. Yamashita is correct.

Ms. Taxin stated that the Board has been conducting a few telephonic probationary interviews. She stated that telephonic interviews make it difficult to observe the body language and to sometimes clearly hear the probationer's responses. She stated that probationers are confused with the requirements and telephonic interviews sometimes add to that confusion.

Mr. Young asked if the Division has considered video telephonic interviews.

Ms. Taxin responded that the video telephonic interviews are not available at this time.

Ms. Taxin explained that if there is a problem with a probationer, public person or persons or a Board member the Board may ask the person or persons to leave the meeting, security may be called to come and escort the person or persons from the building or the Board may say that the discussion is over for this meeting and further discussion will be at a later date.

Mr. Young asked if visitors on the floor are screened or sign in somewhere as if someone came in with intent to do harm there is no way for the Board to exit the room besides the one door.

Ms. Taxin responded that security is being installed on the 4th floor to better protect the employees and Board members. She stated that she would hope that if the Board conducts business professionally and are kind

then people would not become that emotional. She stated that the Division has no control over those people who just walk in to the building.

Mr. Young asked if the Board could have a specific meeting where students could be involved as there is a lot of mystery and myth regarding the Board. He stated that it would be a good experience for them to meet with the Board to ask questions and to observe what the Board function is.

Ms. Taxin responded that the Board functions in Board meetings and anyone is welcome. She stated that she and Board members go to the Universities and lecture on licensing requirements. Ms. Taxin stated that she would like to be notified prior to a meeting if a lot of students are planning to attend a Board meeting as there is sometimes not enough seating for large groups. She stated that students do not usually stay for the entire meeting and are sometimes disruptive in coming and going.

Ms. Taxin reminded the Board that their responsibility is to protect the public. She stated that during probationary appointments the door should be left open or, if there is some disturbance issue, the door may be partially closed. Ms. Taxin explained that with the door open or partially closed any public person could enter the room or leave as they please. She asked the Board to be kind, considerate, respectful and professional with probationers. Ms. Taxin stated that the Board should be fair, attentive and responsible to each other and the individuals with the appointments. She requested the Board to keep an open mind and not pre-judge the probationers as they are people who have made bad choices. She stated that the whole Board does not have to agree but she asked them to consider other view points and be open to alternative solutions. She asked the Board to be clear and open in their communications with probationers and to be willing to hold judgment until all information has been presented or heard. Ms. Taxin asked Board members to recuse themselves if they have a personal bias with any probationer. She stated that the goal of the Board is to help probationers get back on track and be successful in their probation.

Ms. Taxin stated that it is very serious to take away a license but we do not want someone to practice if they are unsafe or the public would be unsafe. She asked the Board to be aware of what they are saying and how it comes across to someone listening and to remember that the meeting is being taped. Ms. Taxin stated that the Board should not make people feel threatened or degraded.

Ms. Taxin then reviewed the fire drill procedures and requested the Board to follow the procedures if the fire alarm goes off even when others may say it is a false alarm.

Mr. Cortes asked who decides that the Board should meet monthly.

Ms. Taxin responded that the large amount of business to conduct determines how frequently the Board should meet. She stated that if there is no business to conduct then meetings may be cancelled.

Mr. Fitzpatrick responded that Thanksgiving week would be a good meeting to consider cancelling.

The Board thanked Ms. Taxin for the training.

10:15 am
Connie Call, Compliance Update

Ms. Call updated the Board regarding the compliance or non-compliance of probationers with their Stipulation and Order.

Ms. Call reported that **Sheryl Ledet** is currently out of compliance as she missed a scheduled test and has missed calling in on several dates.

Ms. Call reported that **William Roberts** is currently in compliance.

Ms. Call reported that **Reuel (Jay) Bawden** is currently in compliance.

Ms. Call reported that **Rebecca Burton** is currently in compliance.

Ms. Call reported that **Hollie Kilburn** is currently in

compliance.

Ms. Call reported that **Andrea Lowry** is not scheduled to meet today but has submitted a request for the Board to consider amending her order to no longer require her to attend the 12 step program. She stated that Ms. Lowry explained that she has a baby who is nursing and it is embarrassing and uncomfortable for her to take her baby to the 12 step meetings. Ms. Call reminded the Board that Ms. Lowry is not currently working in the pharmacy field and her 5 year probation time is not counting. Ms. Call read Ms. Lowry's letter to the Board.

Mr. Fitzpatrick commented that Ms. Lowry was given the option of surrendering her license when she left the field of pharmacy and she decided not to surrender.

Ms. Taxin commented that she has concerns with amending Ms. Lowry's Order at this time as Ms. Lowry may need to start attending the 12 step program again when she is working in the field. She stated that she would want an evaluation and recommendation from a therapist prior to making a decision to amend the Order requirement of attendance at a 12 step program.

Mr. DeRose and Ms. Yamashita commented that Ms. Lowry did not surrender her license based on her legal issues.

Ms. Call reported that **Cody Beaumont** will be meeting with the Board and is currently in compliance.

Ms. Call reported that LSJ Pharmacy, Jody Johnson, will be meeting with the Board today and is currently in compliance. She stated that LSJ Pharmacy is not required to submit any documentation but the Board/Division does check with them to see how things are going.

Mr. Fitzpatrick commented that Mr. Johnson requested termination of probation in January and was requested to submit a formal request in April.

Ms. Taxin responded that, if Mr. Johnson did not bring a formal request for termination with him, the Board could request Mr. Johnson to submit the letter but do a motion today to terminate probation upon receiving the letter.

Ms. Call reported that **Mary Jo Cates** is currently in compliance.

Ms. Call reported that **Rock Canyon Pharmacy** is meeting today to update the Board regarding their practice.

Ms. Call reported that **Globalnet Pharmacies** is meeting today to update and clarify for the Board regarding their practice.

Ms. Call reported that **J. Michael Hodges** will be meeting for his first appointment today. She stated that Mr. Hodges was requested to contact her to get set up for his probation and did not make contact until late in the day yesterday, April 21, 2008. She stated that Mr. Hodges was requested to come early to meet with another Compliance Specialist prior to meeting with the Board.

10:30 am

Andrea Lowry, Telephonic Interview regarding a request to Terminate the 12 Step Requirement

The Board called Ms. Lowry and received no answer.

Ms. Taxin requested Ms. Call to write a letter to Ms. Lowry regarding missing her telephonic appointment and to notify her that the Board will consider her request at her next probationary appointment.

10:50 am

Mary Jo Cates, Probationary Interview

Ms. Cates met for her probationary interview.

Ms. Taxin, Bureau Manager, and Ms. McCall, Board Secretary, were introduced.

Ms. Yamashita conducted the interview.

Ms. Yamashita requested Ms. Cates to update the Board regarding where she is working and how she is doing.

Ms. Cates responded that she is still working at Smith's Pharmacy. She stated that the pharmacy is very busy. Ms. Cates stated that working in retail is very different from the clinic practice that she was used to. She stated that she is averaging about 24 hours a week. Ms. Cates then submitted the required inventory for May, August, November and February. She commented that there were no negative reports on the April report.

Ms. Call asked if Ms. Cates will be submitting the reports.

Ms. Cates responded that she will bring the reports. She explained that there was an upheaval in the fall and all the pharmacists walked out. Ms. Cates stated that now the pharmacy is more stable and she is on top of the controlled substance inventories. Ms. Cates stated that she has attended two 12 step meetings and two PIR meetings. She stated that she has been released from the aftercare program but will be allowed to continue to attend their meetings for support. Ms. Cates stated that she believes she has put her losses behind her and is now relying on coping skills, out-patient and aftercare mechanisms. She stated that her job is good and she continues to walk and run about 5 days a week with her remaining dog. She stated that scheduling her meals and her work helps her, that she is still involved in her volunteer work and teaches a class at her church. Ms. Cates stated that she is in a good place right now and is feeling useful in her life. She stated that she enjoyed the refresher course. Ms. Cates stated that the speaker said that the group now has the tools and if they decide to use drugs then it changes their thinking and they will be on the road to a less than productive lifestyle. She stated that she chooses not to use drugs.

Ms. Yamashita responded that staying off drugs is something she will have to work on everyday.

Ms. Cates stated that it was something she worked on hour by hour last summer and it is empowering to her not to rely on medications as a crutch.

The Board found Ms. Cates in compliance with her Stipulation and Order.

An appointment was made for Ms. Cates to meet again July 22, 2008.

11:10 am

Cody Beaumont, Probationary Interview

Mr. Beaumont met for his probationary interview.

Ms. Taxin, Bureau Manager, and Ms. McCall, Board Secretary, were introduced.

Ms. Yamashita conducted the interview.

Ms. Yamashita stated that the employer report was submitted but the controlled substance inventory has not been submitted.

Mr. Beaumont commented that the Board had requested the controlled substance inventory be submitted for the 3 month period.

Ms. Yamashita responded that Mr. Beaumont is correct.

Ms. Taxin asked if Mr. Beaumont could request the inventory be faxed to Ms. Call after he leaves the meeting.

Mr. Beaumont responded that he will request the inventory to be faxed to Ms. Call and then have it mailed in the future.

Ms. Yamashita stated that if Mr. Beaumont is relying on someone else to remember then he should follow-up with that person to be sure it has been done.

Mr. Beaumont thanked Ms. Yamashita for the reminder. He then reported that he is going to the required meetings and is doing what he should be doing. He stated that Diana Baker recommended he and his wife attend the AA meetings. He commented that they are expecting again in September and are excited about having a new baby. He stated that at this time it is not convenient for his wife to attend.

Ms. Yamashita stated that Mr. Beaumont's employer report was a good report with positive feedback. Ms. Yamashita asked if Mr. Beaumont is working full time and if he received more yellow report cards.

Mr. Beaumont responded that he is working full time and did receive additional yellow report cards. He stated that he believes he is doing well in his personal life and in his work. He stated that he is now playing golf to relax and to relieve stress and that he now has people he can call and talk with. He stated that these people also call him to make sure he is doing ok.

Ms. Yamashita voiced her concern regarding Mr. Beaumont having a mechanism in place for himself to relieve his stress. She asked if Mr. Beaumont has feelings of relapsing as people do relapse when they are stressed.

Mr. Beaumont responded that he has thought about how it felt when he was using drugs and when he gets those thoughts he talks with his wife, does something with his children or calls his sponsor. He stated that he no longer has the feeling that he needs something right now. Mr. Beaumont stated that he considers himself lucky to work at Kmart. He stated that he is on one prescription medication at this time.

Ms. Yamashita asked Mr. Beaumont to send a copy of his prescription to be included in his file.

Mr. Cortes suggested Mr. Beaumont try something other than medications for his condition.

Ms. Taxin commented that Mr. Beaumont should consult his doctor for his medical needs.

Mr. Garn noted that Mr. Beaumont's file indicates that he has not had any positive tests but the file list indicates that he missed a test in February. He asked for clarification.

Mr. Beaumont responded that he called and was put on hold for a long period of time and then was informed

that he did not have to test that day.

Ms. Call responded that Mr. Beaumont did miss one test. She stated that she will contact the agency and then discuss the issue with Ms. Taxin.

Mr. Young asked if increasing the golf has increased Mr. Beaumont's pain.

Mr. Beaumont responded that he has increased his golf but does not play a lot of games in one day. He stated that if his hip starts to bother him he might use an Ibuprophen.

Ms. Yamashita explained that, based on Mr. Beaumont's issues in the past, the Board wants to make sure he has a way to address the issues that are appropriate. She stated that the Board is concerned about Mr. Beaumont.

Mr. Cortes commented that Mr. Beaumont has changed jobs frequently. He asked what the people are like at Kmart.

Mr. Beaumont responded that his co-workers at Kmart are friendly and great people to work with. He stated that they are like family to him.

Ms. Yamashita reminded Mr. Beaumont to get a copy of his prescription, the inventory list and the policy regarding how to handle discrepancies submitted as soon as possible.

Ms. Taxin commented that Mr. Beaumont believed he was in compliance but until the information has been received he is out of compliance with his Stipulation and Order. She acknowledged that Mr. Beaumont did make an effort to be in compliance. Ms. Taxin requested the information be submitted as soon as possible.

An appointment was made for Mr. Beaumont to meet again July 22, 2008.

11:20 am
LSJ Pharmacy, Jody Johnson, Probationary

Mr. Johnson met for the probationary interview.

Interview

Ms. Taxin, Bureau Manager, and Ms. McCall, Board Secretary, were introduced.

Mr. Fitzpatrick conducted the interview.

Mr. Fitzpatrick stated that Mr. Johnson submitted a request for early termination of probation for LSJ Pharmacy. He then read Mr. Johnson's letter to the Board. Mr. Fitzpatrick asked when Sandy Hess, Investigator, came out to LSJ to conduct an inspection.

Mr. Johnson responded that Ms. Hess came out the end of January or the first part of February 2008 and found some problems at that time. He explained that he had a guage for the refrigerator but was not logging the temperature. Mr. Johnson stated that he is now keeping a log of the temperature.

Mr. Fitzpatrick asked what Mr. Johnson will be doing different if his probation is terminated.

Mr. Johnson responded that the Utah Laws and Rules are different than they are in Arizona. He stated that he will monitor the Utah Laws and Rules to be in compliance with them.

Ms. Taxin recommended Mr. Johnson review the Law changes in the months of June or July as there were changes made in the 2008 Legislative session.

Mr. Fitzpatrick commented that he conducted a presentation on the Law changes and some of the changes will affect Mr. Johnson's pharmacy. Mr. Fitzpatrick recommended Mr. Johnson use the website upha.com and review the CE information for the changes.

Mr. Cortes requested Mr. Johnson to update the Board regarding the Pharmacy Technician program and how many Technicians they are training at this time.

Mr. Johnson responded that some Pharmacy Technicians were graduated in November and there

was one person who was working on the GED, passed the Law examination but did not pass the National examination. He stated that this person would like to go through the program again.

Mr. Cortes stated that the program is an approved program. He asked what Mr. Johnson sees as the weakness of the Technicians in the program.

Mr. Johnson responded that when weaknesses were identified they did more extensive work in that area. He stated that mathematics was identified as an area that needed additional work.

Mr. Cortes asked how the group was in the Law portion of the training.

Mr. Johnson responded that they did well in that portion.

Mr. DeRose made a motion to terminate probation on LSJ Pharmacy based on consistent compliance with the Stipulation and Order.

Mr. Garn seconded that motion.

The Board vote was unanimous.

Ms. Taxin explained the process and informed Mr. Johnson that it will take about 2 weeks to complete the paperwork. She stated that upon completing the paperwork a license will be sent that is no longer a probationary license.

11:40 am to 11:55 am
BREAK

11:55 am
Yashomati Dua, Pharmacy Intern Extension
Request

Ms. Dua met with the Board to request an extension of her Intern license.

Board members and Division staff were introduced.

Mr. Fitzpatrick conducted the interview.

Ms. Dua explained that she is requesting an extension

of her Pharmacy Intern license due to her work Visa not coming through until October, 2008. She explained that she is from India and needs the Visa to be working in the United States. Ms. Dua explained that she is in the process of taking the MPJE examination and plans to take the NAPLEX in June. She stated that she is hoping to pass both examinations and obtain full licensure.

Mr. Fitzpatrick stated that Ms. Dua will no longer have an intern license if she passes the examinations and receives the Pharmacist license in August, 2008.

Ms. Dua responded that she understands and the Visa may be issued based on the Pharmacist license if she receives that license.

Atif Ali, a guest, commented that the Pharmacist license and the Visa process cannot start unless Ms. Dua has an active license.

Mr. Fitzpatrick stated that Ms. Dua has explained the situation well enough in her e-mail as well as here with the Board.

Mr. Garn made a motion for the Pharmacy Intern license to be extended to December 31, 2008.

Mr. DeRose seconded the motion.

The Board vote was unanimous.

12:15 pm

Pharmacy Services, LLC, Namvor Taghipour,
Reprimand

Mr. Taghipour met with the Board to discuss the Pharmacy Services, LLC, reprimand.

Board members and Division staff were introduced.

Ms. Taxin read the facts of the case.

Mr. Garn commented that the Pharmacy may reintroduce drugs back into the Pharmacy but cannot re-dispense the drugs.

Mr. DeRose conducted the interview.

Mr. DeRose asked Mr. Taghipour if he has read the Stipulation and Order and understands the reprimand.

Mr. Taghipour responded that he has read the Stipulation and Order. He explained that the pharmacy is located in Sandy off 7th East and he is the Pharmacist-in-charge. Mr. Taghipour stated that the pharmacy does hospice prescriptions and the main work is through the assisted living centers.

Mr. DeRose informed Mr. Taghipour that the Board has reviewed the Finding of Facts. He asked Mr. Taghipour to explain the set up and access of the pharmacy.

Mr. Taghipour explained that the pharmacy consists of two rooms. He stated that one room is open to the Pharmacy Technicians to pull off the faxes and start the preparation of completing the labels prior to his arrival. He stated that the computer is in the first room. He stated that all drugs are located in the 2nd room and he is the only person with a key to that section. Mr. Taghipour explained that he comes in, unlocks the door to the room with the drugs and the prescriptions are then filled.

Mr. Memmott, Investigator, commented that the Pharmacy Technicians explained that they arrive about 10 minutes prior to Mr. Taghipour's arrival and his opening pharmacy section. He stated that he was informed that the Pharmacy Technicians do all preliminary work such as pulling up the faxes and typing the labels while they are waiting and fill the prescriptions when they have access to the drug area of the pharmacy. Mr. Memmott stated that he was informed that the Pharmacy Technicians are not touching any of the drugs until they enter the pharmacy area as the pharmacist-in-charge is required to oversee the filling of prescriptions. He stated that the Pharmacy Technicians informed him that they have access to the outer room at any time night or day when the Pharmacist is not there.

Mr. Taghipour responded that Mr. Memmott is

correct. He stated that the Pharmacy Technicians have no access to the area where the drugs are until he opens the connecting door. He stated that their prescriptions are received only by fax. He stated that there could be access through the false ceiling if someone could manage to get through and across to the pharmacy area. He explained that the pharmacy was inspected prior to opening and the inspector said nothing about the door or ceiling access issues.

Mr. Memmott informed the Board that on the prescription processing side where the fax machine is located the dry wall is open in the ceiling to the pharmacy area. He stated that he believes the area was grandfathered in and was inspected during the remodel inspection. Mr. Memmott stated that the Technicians do not have access to the area where the drugs are until the Pharmacist opens the connecting door.

Ms. Taxin responded that the Board and the Division need to know how Mr. Taghipour is going to correct the access problem so that he is on track with the licensing and reprimand requirements. She stated that he will need to review the area and decide what method will be safe in protecting the pharmacy. She stated that he may want to prepare a plan and review it with Mr. Memmott.

Mr. Taghipour asked for ideas on how to close the area off from the pharmacy.

Mr. DeRose asked Mr. Taghipour to explain the security system.

Mr. Taghipour explained that the whole pharmacy space can be armed but the one room can be shut down separately and he is the only one with a key to shut down the pharmacy area security.

Mr. DeRose reiterated that Mr. Taghipour should plan a way for a barrier between the areas and then work with Mr. Memmott. He stated that there is also an issue with not including the expiration date on prescriptions.

Mr. Taghipour explained that the FSI program will not allow them to include the year/date on the label.

Ms. Yamashita, Mr. Cortes and Mr. Fitzpatrick responded that their computer systems will automatically put the expiration date in the label or they can over-ride the automatic and put in the expiration date.

Mr. Taghipour stated that he was unaware of that feature on his system. He stated that prescriptions are run on a two week cycle.

Mr. Young asked if Mr. Taghipour prints the original label every two weeks but dispenses the drugs monthly.

Mr. Taghipour responded that due to the billing the label does not print a different date. He stated that everything that leaves the pharmacy is checked and he initials everything after the prescription is filled.

Mr. Cortes asked if there a way to track who processes the prescription and the printing of the label when the prescription is generated. He stated that when he types the prescription and types in his name that his initials are automatically typed on the label.

Mr. Taghipour responded that when the prescription is typed the name of the Pharmacy Technician or the Pharmacist is required. He stated that having the initials typed automatically is a good idea to have in the computer program.

Mr. Fitzpatrick asked if there are Pharmacy Technicians in the pharmacy that are without a Pharmacist present as the scope of practice requires the Pharmacist to be present when Technicians have access to the pharmacy. He stated that the Law and Rules require general supervision and the definition of general supervision is that the Pharmacist supervisor is immediately available through telephonic or other means.

Ms. Taxin stated that since the original Stipulation and Order was written Division General Statute changed but the Pharmacy Law and Rules were not updated to accommodate the change. She recommended that she review the Stipulation and Order with the AG to determine if an amendment should be written.

Mr. Taghipour asked if signing the Stipulation and Order means that he agreed to everything as he does not agree with everything written and would not have signed if he knew it meant he agreed.

Ms. Taxin responded that Mr. Taghipour is correct in that signing does mean he agrees with what is written.

Mr. Memmott commented that he reviewed the Stipulation and Order with Mr. Taghipour prior to signing and informed him that the Order includes the facts of the case. He stated that Mr. Taghipour was informed that he could discuss the issues with the Board if he signed.

Ms. Baker referred Mr. Taghipour to item 4 of the Stipulation and Order and stated that Mr. Taghipour waived his right to a hearing by signing the Order.

Mr. Taghipour responded that he believed this meeting was a hearing. He stated that he believed the letter regarding his meeting with the Board meant that he and the Board would discuss the issues. He stated that he believed the language in the Order was a little strong.

Ms. Baker explained that the Stipulation and Order is not a letter but a legal, binding contract between Mr. Taghipour and the Division.

Ms. Taxin suggested Mr. Taghipour review each clause in the Stipulation and Order and contact her regarding what his plan is to correct each one.

The Board recommended Mr. Taghipour collect all keys to the first room until he corrects the problem

of access to the pharmacy.

Ms. Taxin then asked if Mr. Taghipour has paid the fine.

Mr. Taghipour responded that he brought a check to pay the fine while he is at the Division today. He asked if the Board would review the remaining items in the Stipulation and Order as he would not want someone to read the document and think he had done something wrong.

Mr. Fitzpatrick commented that Mr. Taghipour should do as Ms. Taxin suggested, review each item and contact her regarding how he will make the corrections. He stated that there are some pharmacies on probation for the same issues which Mr. Taghipour was given a reprimand. He stated that the largest correction will be the barrier between the two rooms.

Mr. DeRose commented that he uses the DEA book for his regular reconciliation of inventory. He asked how Mr. Taghipour reconciles his inventory.

Mr. Taghipour responded that his computer system has the ability to do an item report on any medication and that is his inventory reconciliation. He stated that he does not know of anyone who knows how many pills are in their inventory at any given time.

Mr. Cortes and Mr. Fitzpatrick responded that they conduct a daily inventory.

Ms. Taxin recommended Mr. Taghipour review the current Laws and Rules and write up a plan on how he will correct or has corrected the items listed in the Stipulation and Order and the contact Mr. Memmott to conduct another inspection. She stated that Mr. Taghipour should communicate with her and if she believes he understands clearly what he needs to do then he will not meet again with the Board but if he is still confused then an appointment will be made for him to meet again.

Ms. Taxin gave Mr. Taghipour directions to pay

the fine at the Division front desk.

Mr. DeRose stated that within 60 days Mr. Taghipour will need to make any required physical changes between the two rooms as well as correct the expiration date on the prescriptions.

12:30 pm

Working Lunch with Dr. Charles Walton

Noel introduced Dr. Walton and explained that he would present how to conduct appropriate probationary interviews.

David Stanley, Division Director, complimented Dr. Walton and stated he would like the Boards to follow Dr. Walton's direction on how to interview and work with the probationers.

Dr. Walton stated that the objective of the probationary interview is to recognize the state of mind of probationers, understand their initial interview considerations, the subsequent interview considerations, positive consequences of motivational interview, negative consequences of insensitive interviewing and to recognize boundary concerns for the Board. He cautioned the Board to be careful to keep the interview focused on the Stipulation and Order requirements and positive reinforcement and stay away from making the interview a therapy session. Dr. Walton distributed a list of ideas to review in the initial interview and a list for subsequent interviews. He explained that some probationers come to the Board feeling the probation is a punishment when they are asked to talk about the situation over and over again, that they have a high anxiety level by being asked to be accountable for their actions and feel intimidated by the whole process. He stated that they have a fear of losing their livelihood and are confused as to what the Board really wants of them. Dr. Walton stated that there have been some post-interview suicides and that is not what the probationary interview should be about. He stated that probationers should be treated with respect and consideration as these people are professionals. Dr. Walton stated that introductions should be made and Board name plates should be visible to the probationers. He stated that the interviewer should be documenting the

probationer's progress and helping the probationer to be successful by providing support and structure for them. Dr. Walton stated that the Board is also here to be sure the public is protected and the probationer needs to understand that role of the Board. He stated that the Board should use velvet that covers steel. Dr. Walton explained that it is ok to use velvet at times and to be soft with the probationer but underneath the Board also needs to be firm in being sure the requirements are met and the probationer is in compliance. He stated that probationers should leave the meeting with a clear understanding of the Board's expectations and what their next step should be for their next appointment.

The Board thanked Dr. Walton for his presentation.

1:15 pm to 1:30 pm

BREAK

1:30 pm

J. Michael Hodges, Probationary Interview,
and Joseph Jardine, Mr. Hodges Legal Counsel

Ms. Taxin updated the Board regarding Mr. Hodges. She read the facts and the requirements of the Stipulation and Order to the Board. Ms. Taxin stated that Mr. Hodges will need to submit an essay regarding the effects of his actions on himself and those he harmed.

Mr. Hodges and Mr. Jardine met for Mr. Hodges probationary interview.

Board members and Division staff were introduced.

Mr. Young conducted the interview.

Mr. Young explained that the Board is here to work with Mr. Hodges during his probation to assist him in being successful in his probation. He stated that it is in the best interest of the Board to help Mr. Hodges to get where he needs to be and if there are any questions between meetings to contact the Division.

Mr. Jardine responded that it is the intention of Mr. Hodges to comply with the Stipulation and Order.

Mr. Young stated that he would like to go through the Stipulation and Order with Mr. Hodges. He stated that there are items listed that need to be check off as they are completed. He asked Mr. Hodges to explain what his understanding is of the reason he is meeting today with the Board.

Mr. Jardine started to respond.

Ms. Taxin explained that the Board would like Mr. Hodges to explain what action brought him before the Board. She stated that this meeting is not a hearing and is based on the information in the Stipulation and Order document. Ms. Taxin explained that after Mr. Hodges explains to the Board then he will be asked his understanding of the requirements he must meet. She asked that Mr. Hodges answer the questions as it is his probation and if he is unable to answer then Mr. Jardine may answer for him.

Mr. Jardine responded that he would like to answer the Board's questions as it is difficult for Mr. Hodges to speak in front of a group of people.

Ms. Taxin again explained that this is a probationary interview and not a hearing. She stated that Mr. Hodges probation is based on the facts in the Stipulation and Order that he is held accountable for. She stated that if Mr. Jardine speaks for Mr. Hodges then it gives the Board an impression of Mr. Hodges lack of commitment and responsibility.

Mr. Hodges responded that he inappropriately touched a co-worker. He stated that his actions were unprofessional conduct and that does not fit in with his goals of what he wants to be and wants to be doing. Mr. Hodges stated that he has been attending the Alliance Clinical Services, a sex offenders program. He stated that he is required to attend a 12 step program and the Sacred Touch program but is unsure how to contact those programs. He stated that he has been attending the Alliance Clinical Services since last summer after his trial.

Mr. Jardine corrected Mr. Hodges by clarifying it was not a trial but a plea in abeyance where Mr. Hodges did not admit to guilt.

Mr. Hodges stated that he meets once a week for an hour with the Social Worker and then has a 1 ½ hour meeting with a group.

Ms. Taxin asked Mr. Hodges to share what he has learned by attending the program.

Mr. Hodges responded that he has learned many things that are not new to him. He stated that he knew he was inappropriate and now knows that he needs to develop better self control. He stated that in the group sessions they discuss the damage to the victim and the secondary victims, who would be his wife and children. He stated that he has learned there are many secondary victims. Mr. Hodges voiced that he is sorry for what he has done and does not plan to do it again. He stated that he is willing to attend the courses and programs that are needed to be sure he is not inappropriate again.

Ms. Taxin commented that she knows it is difficult for Mr. Hodges to openly talk with the Board as he does not know any of them. She assured Mr. Hodges that she and the Board are here to help him be successful in his probation but also to be sure the public is safe. She thanked him for his explanation.

Mr. Young asked if Mr. Hodges has read the Stipulation and Order.

Mr. Hodges responded that he has read the Stipulation and Order.

Mr. Young briefly reviewed the requirements with Mr. Hodges. He reminded Mr. Hodges that the supervision reports are due monthly for 6 months and then he may request the frequency to be due quarterly.

Mr. Jardine commented that typically the pharmacist is the top ranking authority in the pharmacy. He stated

that he assumes the Stipulation and Order requires another pharmacist to be supervising Mr. Hodges but not necessarily working at the same pharmacy.

Mr. Fitzpatrick responded that Mr. Hodges must be in a pharmacy where there are other pharmacists who are also in the pharmacy to supervise him.

Mr. Jardine stated that it is problematic for Mr. Hodges to work in a pharmacy with other pharmacists.

Mr. Fitzpatrick asked Mr. Hodges where he is currently working.

Mr. Hodges responded that he works in several different pharmacies as he is assigned.

Ms. Taxin suggested the company pick a pharmacy for him to work at. She stated that he could not work at all different pharmacies.

Mr. Jardine stated that, due to his age, Mr. Hodges cannot dispense prescriptions at the volume required as a full-time pharmacist.

Ms. Taxin asked if Mr. Jardine and Mr. Hodges were both present when Mr. Hodges signed the Stipulation and Order. She stated that signing means Mr. Hodges agreed to all requirements and another pharmacist must be in the facility where he is working.

Mr. Jardine responded that he was not present when Mr. Hodges signed the Stipulation and Order.

Mr. Hodges responded that he was hoping the Board would reconsider that requirement and allow him to work as he has been.

Mr. Fitzpatrick commented that Mr. Hodges is now past the point of requesting a hearing as the Stipulation and Order has been signed. He stated that the requirements agreed upon are as written. He stated that the Board would have difficulty monitoring Mr. Hodges probation with him

working as a relief pharmacist at several different places. Mr. Fitzpatrick stated that Mr. Hodges is employable and, if not for the organization where he is currently employed then he may work for another agency or pharmacy.

Mr. Young stated that there is currently a shortage of pharmacists and Mr. Hodges could find employment elsewhere.

Mr. Jardine again stated that Mr. Hodges would be unable to fill more than 100 to 200 prescriptions per shift and he understood that the average in most pharmacies is much higher than that. He stated that if the Stipulation and Order requires Mr. Hodges to be at one location with one pharmacist supervisor then Mr. Hodges will try to obtain a position somewhere else.

Mr. Young reminded Mr. Hodges that he must provide a copy of his Stipulation and Order to his employer and supervisor who must write letters of receiving and reading the Stipulation and Order and willingness to supervise and assist Mr. Hodges in being successful in his probation. He stated that the reports the supervisor submits assist the Board in tracking Mr. Hodges progress. Mr. Young then continued reviewing the requirements.

Ms. Taxin asked if Ms. Higgs provided copies of the report forms to Mr. Hodges.

Mr. Hodges confirmed that Ms. Higgs did provide the forms.

Ms. Call reminded Mr. Hodges that the first report is due by May 1, 2008.

Mr. Young continued to review the requirements. He stated that an evaluation is required and that the evaluation is to be sent to the Board for review. Mr. Young asked if Mr. Hodges is required to attend the 12 step program in addition to attending the Alliance program.

Ms. Taxin responded that if Alliance has a program similar to the 12 step program then Mr.

Hodges will not be required to redo the program. She stated that Mr. Hodges will need to submit documentation verifying the Alliance 12 step program and that he is attending.

Mr. Young continued that Mr. Hodges is required to complete a boundaries course.

Ms. Taxin stated that Mr. Hodges will need to locate a course in addition to the program at Alliance. She stated that if Alliance has a course in boundaries then Mr. Hodges may submit the information for the Board to review. She stated that if Alliance does not offer a boundaries course and Mr. Hodges is unable to locate a course he may contact her for assistance.

Mr. Young reminded Mr. Hodges to notify the Division if any changes in his address and his employment.

Mr. Jardine again explained that Mr. Hodges is a full-time employee of the company and is sent where he is needed at several different locations.

Mr. Fitzpatrick stated that if Mr. Hodges is going to different locations then he is considered a floating employee.

Mr. Young stated that Mr. Hodges cannot supervise anyone. He stated again that the Board is here to help Mr. Hodges and not to argue the requirements agreed upon.

Mr. Jardine stated that Mr. Hodges is better behaved when he is among strangers. He reminded the Board that the incident occurred with someone Mr. Hodges knew well.

Ms Yamashita asked Mr. Hodges if he prefers working as a relief pharmacist versus a permanent position at one location.

Mr. Hodges responded that he prefers being a relief pharmacist.

Ms. Yamashita asked Mr. Hodges if he would consider working at one location if the current employment does not work for his probation.

Mr. Hodges responded that when he became employed by the agency he signed a non-competition clause and he is not sure if he would be allowed to work for a location where he has been occasionally working. He stated that his field of expertise is pharmacy so he does not have a choice but to work in a pharmacy. Mr. Hodges stated that being a clerk would not allow him to meet his financial obligations.

Mr. Fitzpatrick recommended Mr. Hodges discuss the issue with his employer and include Mr. Jardine in the discussion. He stated that he believes Mr. Hodges should be able to work something out with his current employer.

Mr. Young stated that the probation requirements are the key to the door for Mr. Hodges to move forward. He reminded Mr. Hodges that if he is not working as a pharmacist for more than 60 days that the time does not count toward completing the probation period. Mr. Young stated that Mr. Hodges will need to submit a practice plan for the Board to review. He explained that the plan does not have to be lengthy but does have to address where Mr. Hodges is currently, where he wants to be in the future and how he plans to accomplish that goal.

Mr. Hodges again asked if he has to be at one location all the time.

Mr. Garn responded that the Board would accept Mr. Hodges working at 2 places for the same organization but not floating among many different locations.

Ms. Yamashita responded that Mr. Hodges would need to submit a plan and include the days and hours he would be working at one or two locations for the Board to review to be sure the locations have appropriate staffing.

Mr. Jardine proposed the organization assigning a Pharmacy Technician to go with Mr. Hodges to each location and be his supervisor. He stated that he is concerned about Mr. Hodges losing his employment.

Ms. Yamashita responded that a Pharmacy Technician cannot supervise a pharmacist.

Ms. Taxin responded that all of this type of discussion should have taken place prior to Mr. Hodges signing the Stipulation and Order.

Mr. Jardine stated that he understands from language in the Stipulation and Order that the Board has the authority to amend the Stipulation and Order. He stated that if the Board wants to work with Mr. Hodges then they should consider an amendment.

Ms. Taxin responded that normally the Board does not recommend an amendment at the first appointment. She stated that after a record of compliance has been established and requirements completed the Board may recommend an amendment. She stated that the Board could accept an amendment proposal and review it for discussion at another appointment date.

Mr. Fitzpatrick responded that the Board might consider an amendment at a later time but not at the first appointment with no requirements having been completed. He stated that after a period of time when progression has been noted then the Board may consider an amendment.

Mr. Jardine commented that Mr. Hodges has been working on this since last year. He stated that there have been only 2 complaints on Mr. Hodges in the 6 years he has been working for this agency, one being late and one falling asleep on the job. He stated that Mr. Hodges concerns could be addressed by removing the requirement of supervision by a pharmacist. Mr. Jardine stated that Mr. Hodges conduct is with co-workers and not the public. He again asked the Board to consider amending the Stipulation and Order.

Mr. Young asked if his employer has

documentation of Mr. Hodges work ethics after every shift.

Mr. Jardine recommended the Board contact Mr. Hodges employer. He offered her phone number.

Ms. Taxin responded that written documentation would need to be submitted for review.

Mr. Jardine commented that if the supervision is a sticking point for the Board then there is no point in contacting the supervisor. He stated that the Board could suspend the requirement temporarily until additional research has been conducted to determine if a supervisor is a viable requirement or not.

Ms. Taxin excused herself to contact Mitchell Jones, AG, to come in to the meeting. Ms. Taxin returned and assured the Board and Mr. Jardine that Mr. Jones discussed the issue with Mr. Hodges and Mr. Jardine prior to Mr. Hodges signing the document. She stated that Mr. Hodges now needs to move forward and it would take an evaluator to evaluate and make a recommendation before the Board could discuss any amendment request. She stated that Mr. Hodges will need to find out when he will be completing the Alliance program and then make an appointment for the required evaluation. Ms. Taxin stated that it is important for Mr. Hodges to show he is making progress before requesting any amendments.

Ms. Yamashita commented that when probationers complete the requirements in their Order there is a better chance for recovery. She stated that the Board is looking out for Mr. Hodges best interest as well as protecting the public.

Mr. Young then continued with the requirements and stated that Mr. Hodges needs to submit an essay regarding the harm that was done to the victim.

Mr. Hodges provided the essay.

Mr. Young stated that Mr. Hodges will be

responsible to be sure all his reports are submitted for the Board to review as that demonstrates to the Board that he is working on the requirements.

Mr. Hodges asked if the Board is interested in receiving reports retroactive.

Ms. Call responded that the reports should start from now.

Ms. Taxin and Mr. Fitzpatrick commented that, hopefully, his current employer will work with him.

Mr. Jardine asked if Mr. Hodges needs to inform his employer that he cannot work tomorrow as he does not have a supervisor yet or may he work for the next 2 weeks and then terminate his employment.

Ms. Taxin responded that Mr. Hodges may work tomorrow but his employer will need to submit the letter and notify the Board/Division regarding what they have worked out with his employment arrangements/contract. Ms. Taxin stated that giving a 2 week notice to his employment is appropriate if they are aware of the Stipulation and requirements.

Ms. Call responded that if Mr. Hodges changes employment the Division will need to have the letters from each employer where he will be working prior to commencing his employment.

Mr. Hodges commented that there has never been a question regarding his honesty or taking any drugs. He stated that he does not need supervision for those areas. He stated that his conduct is the only area of concern and he does not need a pharmacist to supervise his conduct. He again asked if he could have a Pharmacy Technician as his conduct supervisor.

Mr. Fitzpatrick again responded that the Pharmacy Technician is subordinate to the pharmacist and the supervisor must be someone at the professional level as Mr. Hodges or greater.

Mr. Jardine then asked if the store manager could be approved as the supervisor.

Mr. Fitzpatrick responded that store managers have no control over the pharmacy and they have no supervisory role over pharmacy personnel. He again stated that the Pharmacy Technician cannot supervise a pharmacist.

Mr. Cortes commented that the point is if Mr. Hodges is conducting himself morally and professionally or not. He stated that if Mr. Hodges has nothing to hide then it should not matter who is the supervisor. He stated that customers should feel safe and not intimidated when the pharmacist approaches them. He stated that Mr. Hodges made an error in judgment and now he needs to prove he is trustworthy.

Mr. Fitzpatrick asked Mr. Hodges if he understands what is required in the next few months before he meets again with the Board.

Mr. Hodges responded that he believes he understands what is required of him.

Ms. Yamashita asked if Mr. Hodges should meet again in May.

Ms. Taxin responded that he should meet again at the May 27, 2008 meeting.

Ms. Call reminded Mr. Hodges that she tracks his paperwork to be sure it is submitted.

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

2:00 pm

Globalnet Pharmacies, LLC, Juan Zuetta,
Telephonic Probationary Interview

Mr. Zuetta met for a telephonic probationary interview.

Ms. Taxin thanked Mr. Zuetta for his patience regarding the Board contacting him later than the scheduled appointment time.

Mr. Zuetta informed the Board that the Pharmacist-in-charge had to leave before the appointment call came through.

Ms. Yamashita thanked Mr. Zuetta for sending the requested information for the Board to review.

The Board requested Mr. Zuetta to clarify the situation with Wyoming and asked if Globalnet has continued to fill prescriptions in Wyoming.

Mr. Zuetta responded that prescriptions are being filled for Wyoming and he now submits reports once a month. He stated that not every State requires a report.

Ms. Yamashita stated that the Oklahoma information indicates that Globalnet failed to identify the dispensing pharmacist. She requested Mr. Zuetta to explain.

Mr. Zuetta responded that the Oklahoma action was based on the disciplinary action taken in Utah.

Ms. Yamashita stated that the information submitted indicates the Florida fine has been paid and Globalnet is on probation in Florida for a year. She asked if the Florida probation started about August 1, 2007.

Mr. Zuetta responded that Ms. Yamashita is correct, the fine was paid and the probation started about August 1, 2007. He stated that Globalnet is nearing completion of that probation. He stated that they were required to pay a fine and correct a few other things such as disposing of some vials that had been stored incorrectly in an original box and include additional information in the daily reports in order to make them easier to read. He stated that the State Investigators came out several times and noted that everything had been corrected properly. Mr. Zuetta stated that the State Investigators took several patient profiles for their investigation. He stated that all deficiencies have now been corrected.

Ms. Yamashita asked if Oregon and Maine just

renewed his licenses.

Mr. Zuetta responded that she was correct.

Ms. Yamashita stated that the Utah Board had concerns regarding the transfer prescriptions. She asked Mr. Zuetta to explain the policy of Globalnet when a prescription comes in after hours and there is not a pharmacist available.

Mr. Zuetta responded that if it is after hours when a prescription is called in then the prescription is given to the pharmacist the next morning. He stated that customer service is still taking the calls and the callers transferring prescriptions may leave a message or call back.

Ms. Yamashita asked approximately how many prescriptions are filled each day and if Globalnet is now confirming the prescriptions.

Mr. Zuetta responded that they are filling 50 to 60 prescriptions a day at this time. He stated that it is about 50 in controlled substances and about 50 of non-controlled substances. Mr. Zuetta stated that they are confirming the prescriptions. He stated that steps are taken to be sure the prescriptions are valid.

Ms. Yamashita asked Mr. Zuetta what staff is in the pharmacy and who validates the prescriptions.

Mr. Zuetta responded that the staff in the pharmacy consists of the pharmacist and the pharmacist is the one who validates the prescription. He explained that the customer service people get the faxes from the doctor as they act as the clerk for the pharmacist.

Ms. Taxin asked if the customer service people are Pharmacy Technicians.

Mr. Zuetta responded that they are not Pharmacy Technicians and they have no real contact with the doctor other than to ask for the fax number. He stated that everything else is done by the pharmacist. He stated that the communication is clerical type of work only. Mr. Zuetta explained that Globalnet has an

account with e-fax so there is no paper fax. He stated that when the fax is received in the system an account number is attached to the order and the fax is approved or not, depending on what the doctor is ordering. He stated that everything is done on-line.

Ms. Yamashita stated that last time the Board met with Mr. Zuetta he informed the Board that there were other companies the customer service people were assisting. She asked if there are links to the other sites.

Mr. Zuetta responded that there are no links to other sites. He stated that the customer service people work with different accounts that sell on-line or off-line products besides the prescriptions such as face cream.

Ms. Yamashita asked if there is only one site for the prescriptions.

Mr. Zuetta responded that there are more than 2 sites but only 3 are active prescription websites at this time, 247fentermine.com, globalnetpharmacies.com and byfentermine.com.

Ms. Yamashita stated that Globalnet is the one the Utah Board is addressing at this time. She asked if Mr. Zuetta is considering providing medications to Utah from the other websites.

Mr. Zuetta responded that the other websites are used as marketing tools. He stated that the Globalnet website is the only used to fill medications and prescriptions.

Ms. Taxin asked if the other websites advertise that Globalnet will fill prescriptions.

Mr. Zuetta responded that the other websites clearly state that every order will be filled by Globalnet.

Ms. Taxin asked if it would be safer for the public to use the Globalnet website and to have all the products listed on that website only.

Mr. Zuetta responded that it would be safer for the

public but there are over 1500 medications already on that site.

Ms. Taxin asked if all medications are retained on site or if Globalnet orders the medications as the prescriptions come in.

Mr. Zuetta responded that with a mail order pharmacy he can offer unlimited medication and with the 72 or 48 hour time frame to mail out the prescription there is time to order the medications.

Ms. Yamashita thanked Mr. Zuetta for submitting his information for the Board to review. She reminded Mr. Zuetta that if he has any correspondence with other State he needs to also submit that information to Utah. She stated that the Florida probation is scheduled to end July 2008 and the Utah probation is to December 2008.

Ms. Taxin requested Mr. Zuetta to contact the Florida Board to send documentation of his compliance in Florida. She asked if the Pharmacist-in-charge completed the CE course of 12 hours in Law and Ethics within 1 year.

Mr. Zuetta responded that he will contact the Florida Board. He stated that he believes the Pharmacist-in-charge has completed about 80% of the required CE.

Ms. Taxin stated that documentation of completion needs to be submitted to Utah when the CE is completed.

Ms. Taxin stated that quarterly reports listing all employees needs to be submitted for this quarter and another in June for the July quarter. She referred Mr. Zuetta to item 8 in the Stipulation and Order for a complete list of requirements. Ms. Taxin stated that Mr. Zuetta must also continue to submit any correspondence sent to any regulatory agency. She gave Mr. Zuetta Ms. Call's phone number, address and fax number to submit the information. Ms. Taxin stated that Mr. Zuetta may contact Ms. Call if he has any questions.

Mr. Young asked if Mr. Zuetta is submitting reports to the Utah controlled substance data base for all Utah prescriptions.

Mr. Fitzpatrick explained that monthly reports are due to the Utah data base if any prescriptions are filled for Utah. He stated that the Law has changed and starting July 1, 2008 the requirement will be for reports to be submitted weekly.

Mr. Zuetta responded that he will check with the Pharmacist-in-charge and be sure reports are submitted.

An appointment was made for Globalnet Pharmacy to meet again July 22, 2008.

2:20 pm

Rock Canyon Pharmacy, Brian Campbell,
Probationary Interview

Mr. Campbell met for the Rock Canyon Pharmacy probationary interview.

Board members and Division staff were introduced.

Mr. Cortes conducted the interview.

Mr. Cortes commented that Mr. Campbell was required to complete 6 hours of CE in Ethics and Law. He stated that Mr. Campbell has submitted documentation of completing only 1 hour of the requirement. He asked if Mr. Campbell has completed any additional hours.

Mr. Campbell responded that he completed several hours within a month after his first meeting with the Board and he submitted documentation of completion. He stated that he attended the UPHA last weekend and received one hour in Ethics and Law on Saturday.

Ms. Taxin stated that Mr. Campbell will need to submit copies of certificates of completion for the required CE as only the 1 hour has been documented. She stated that Mr. Campbell met in June 2007 and his probation is scheduled to be terminated June 2008. She stated that Mr. Campbell has paid the required fine.

Mr. Campbell asked if the CE hours must be live seminars, classes or conferences.

Mr. Fitzpatrick responded that the hours do not have to be live. He stated that Mr. Campbell may fax copies of his certificates of completion to Ms. Call.

Ms. Taxin asked Mr. Campbell to briefly explain what he has learned from this experience and what processes he now has changed in his pharmacy.

Mr. Campbell responded that he now has a new Pharmacist-in-charge. He stated that he has tried to move forward and learn from the experience. He stated that there is some fear when he receives information from DOPL but has learned that DOPL and the Board are willing to assist him. He stated that Mr. Memmott and Ms. Hess, the Investigators, are not out to get him but to help him. He stated that he has learned to go directly to the source for information and not to take the word of others. Mr. Campbell stated that he has been afraid that if he does not understand some things that he will get into trouble and has been afraid to try to figure things out on his own.

Ms. Taxin clarified that Mr. Campbell's pharmacy was filling prescriptions for a medical program.

Mr. Campbell responded that Ms. Taxin was correct. He stated that he used to receive advertisements all the time but does not receive them now.

Ms. Taxin stated that it appears Mr. Campbell has done what was requested of him to correct the problems in the pharmacy. She stated that Rock Canyon Pharmacy is scheduled to have probation terminated in June and if Mr. Campbell will submit the requested CE documentation and a letter requesting early termination of probation, including what he has learned, the Board could entertain a recommendation for early termination of probation.

Mr. Campbell responded that he has already written a letter requesting early termination. He submitted the

letter to the Board to review.

Upon completing the review of the letter, Ms. Taxin stated that the CE must be submitted to Ms. Call prior to terminating probation.

Mr. Garn made a motion to terminate Rock Canyon Pharmacy probation pending receiving documentation of Mr. Campbell completing the required 6 hours of CE in Ethics and Law.

Mr. Young seconded the motion.

The Board vote was unanimous.

Mr. Campbell thanked the Board. He stated that he has purchased a piece of property next to the current pharmacy and is planning to build a new pharmacy on the property. He stated that it will take approximately 4 months to build and asked what the process is for getting the license for the new pharmacy.

Ms. Taxin and Mr. Memmott responded that Mr. Campbell should submit his application for licensing the new pharmacy about 6 weeks prior to the opening date.

DISCUSSION ITEMS:

Electronic Signatures

Mr. Garn explained that in the past some pharmacists have been led to believe that each electronic signature had to be verified. He stated that he believes the pharmacy should verify only those signatures that are questionable. He stated that from his study of the Law each electronic signature does not need to be verified for each prescription as was the procedure previously. He clarified that this procedure would not apply to controlled substances.

Mr. Fitzpatrick agreed with Mr. Garn. He stated that it is the responsibility of the pharmacist to determine which signatures require to be verified on non-controlled substances.

FYI

Ms. Taxin informed the Board of Randy Marie Randall surrendering her Pharmacy Technician

license.

No Board action was taken.

Mr. Fitzpatrick

Mr. Fitzpatrick informed the Board that he distributed a copy of the handout that he conducted on a presentation in St. George, Utah.

The Board thanked Mr. Fitzpatrick for the information.

Mr. Fitzpatrick

Mr. Fitzpatrick informed the Board that he, Ms. Taxin, Mr. Garn and Ms. Yamashita will be attending the NABP conference in May 2008.

The Board requested a report of the meeting upon their return.

CORRESPONDENCE:

NABP Correspondence

The Board reviewed the following NABP correspondence:

1. Information regarding Indiana Adopts Legislation to Combat Illegitimate Online Pharmacies, Protect Residents from Counterfeit Drugs. **No Board action was taken.**
2. March 2008 Newsletter. **No Board action was taken.**

St. George Discount Pharmacy information regarding an amendment to the Technician in Training Program

Mr. Cortes took the information to review and will report back at the May 27, 2008 meeting.

ACPE Update Newsletter

Board members receive this newsletter.

No Board action was taken.

News from Tech Lectures for the Pharmacy Technician

The Board reviewed the information.
No Board action was taken.

David B. Brushwood e-mail regarding University of Florida College of Pharmacy expanded programs

Ms. Taxin read the information to the Board.

No Board action was taken.

America's Pharmacist, April 2008 Edition

The Board reviewed the information.

No Board action was taken.

Amendments to the approved St. George
Discount Pharmacy Pharmacy Technician
Program

The information was given to Mr. Cortes to review.

Mr. Cortes approved the program.

Craig Boody e-mail

Ms. Taxin reviewed Mr. Boody's e-mail with the Board. She stated that Mr. Boody would like to meet with the Board May 27, 2008 to discuss the requirements for licensure by endorsement.

BUSINESS FROM PREVIOUS MEETING:

Mr. Cortes

Mr. Cortes reported that he has not approved Kamas Foodtown Pharmacy Technician program as additional information is needed.

Mr. Cortes reported that he has not approved the Taylor Drug Pharmacy Technician program.

Mr. Cortes reported that he has approved The Medicine Center Pharmacy Technician program.

Mr. Cortes reported that he has approved the St. George Discount Pharmacy Pharmacy Technician program.

Pharmacy Technician Program National Standards

Mr. Cortes requested additional discussion regarding this issue.

He stated that he believes the Board should consider accepting the National Program for Pharmacy Technicians as a protection of the public.

Mr. Fitzpatrick responded that rural areas would no longer be able to offer a program if the Board accepts only the national education. He stated that the national education program also requires national accreditation.

Mr. Cortes stated that he has copies of the Federal Law for the Board to review and has the guidelines on how Utah can meet those national standards. He stated that Utah already has some things in place and

he would like the Board to consider moving forward in requiring the national education. Mr. Cortes stated that there are only 3 States that currently have the Pharmacy Technician accreditation. He stated that the Pharmacy Technicians need training and the right tools to practice safely.

Mr. Young asked if there is any documentation to substantiate the need for using the national requirements.

Mr. Cortes responded that more people die from medical errors than any other type of accidents. He stated that he has compared Utah's programs with other States programs. Mr. Cortes stated that Utah was one of the first States to develop an education program for Pharmacy Technicians.

Ms. Taxin commented that at the National conference the Pharmacy Technician training is one of the issues that will be discussed. She stated that she received information and passed it on to Mr. Fitzpatrick and Ms. Yamashita as there will be a review and vote on the National standards. Ms. Taxin stated that Pharmacy Technician applications comprise about 80% of staff time. Ms. Taxin stated that educational people are signing the forms but the pharmacist supervisors are not signing the forms and when DOPL staff request corrected information we receive totally different information. Ms. Taxin suggested the Rules be changed now and require the Pharmacy Technician applicant to complete the education portion of the program, complete the examination and submit their application for a temporary license to complete the training portion of the program. Ms. Taxin then stated that some type of licensing would assist the Division.

Mr. Cortes responded that one program would also eliminate constantly reviewing of programs. He distributed copies of information of other States for the Board to review.

Ms. Taxin stated that the rural areas will have to address how they can be accommodated. She

stated that the Board will need to address the issue soon and change some of the current processes.

Ms. Yamashita stated that one of the barriers was staffing.

Ms. Taxin responded that her concern is that some pharmacies blend the education and the training. She stated that the national program or issuing a temporary license would not allow the blending as the education would be required prior to the training. She stated that another issue she would like addressed is that a Pharmacy Technician should be 21 years of age before being licensed. She reminded the Board that there are some people on probation who are under 21. She also questioned that the age for drinking is 21 years of age but we are allowing these individuals to work with drugs.

Mr. Garn disagreed with Ms. Taxin regarding the age requirement of 21. He stated that he is aware of some Pharmacy Technicians who are more competent than the pharmacist.

Mr. Fitzpatrick commented that an individual must be 18 before they may sit for the examination. He stated that when the Board re-wrote the Rules there were extra meetings scheduled each month. He stated that in order to save some time he would prefer obtaining as much information as possible at the NABP meeting before any additional discussion.

Ms. Taxin stated that she could also write a draft for the Board to review to start the process.

Mr. Cortes informed the Board that the Utah Board of Education already has a standard program in place that the Board could review and possibly require.

Mr. Fitzpatrick asked why the Board has been evaluating programs if there is already a standard in place.

Ms. Taxin concluded that this will be an item of

discussion at an upcoming Board meeting.

Follow-up on requested information from Castleview Hospital regarding the Pharmacy Technician Program

Mr. Cortes stated that he will report on the Castleview Hospital program at the next Board meeting.

Follow-up on requested information from Carbon Medical Service Association, Inc. regarding a Waiver in utilizing a Pharmacy Support Person

Due to the lack of time for review, Mr. Fitzpatrick offered to review the information and report back to the Board.

NEXT MEETING SCHEDULED FOR:

May 27, 2008

ADJOURN:

The time is 4:55 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.

May 27, 2008
Date Approved

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

May 22, 2008
Date Approved

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