

MINUTES

**UTAH
PHARMACY
BOARD MEETING**

May 27, 2008

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

CONVENED: 9:10 A.M.

ADJOURNED: 5:00 P.M.

Bureau Manager:
Board Secretary:
Division Compliance Specialist:

Noel Taxin
Karen McCall
Connie Call

Board Members Present:

Roger B. Fitzpatrick, Chairperson
Dominic DeRose, Jr.
Betty Yamashita
Edgar Cortes
Derek D. Garn
David C. Young arrived at 12:30 pm

Board Members Absent:

Marty V. Hill

Guests:

Linda DeLaMare Sandberg, Omnicare
Greg Jensen, Target
Shawna Hanson, Savon
Jaime Peterson,
Brian Mills, 4 Care Pharmacy
Eric McDowell, Pharmaceutical & Diagnostic
Services
William Baker, Pharmaceutical & Diagnostic Services
Daniel Manning, Pharmacy Intern
Judy Nielsen, DPTC
Eric Smith, University of Utah

DOPL Staff Present:

David Stanley, Division Director
Kent Barnes, Sr. Business Analyst
Karl Perry, AG

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the April 22, 2008 Board meeting were read. Mr. DeRose made a motion to approve the minutes with minor revisions. Ms. Yamashita seconded the motion. **The Board vote was unanimous.**

BUSINESS FROM PREVIOUS MEETING:

Roger Fitzpatrick, Report regarding Support Personnel Waiver Request for Green River and Carbon Medical

Mr. Fitzpatrick reported to the Board that he reviewed the request for a personnel waiver for Green River and Carbon Medical Center. He stated that he believes the Law and Rules do not allow for a waiver for support personnel to fill and/or distribute prescriptions. Mr. Fitzpatrick stated that the Law and Rules do adequately identify the scope of practice for support personnel.

The Board agreed with Mr. Fitzpatrick's review, explanation and stated Green River and Carbon Medical's description for supportive personnel meet requirements.

APPOINTMENTS:

9:40 am

Noel Taxin, Follow-up on Training, Plan for Summaries in Meeting

Ms. Taxin stated that the meetings and minutes have been extremely long and in an effort to shorten the minutes she questioned if at the conclusion of each appointment that the person interviewing summarize the discussion and include in the summary if the probationer is in compliance based on information received or if they are out of compliance and explain how they are out of compliance versus Ms. McCall taking verbatim minutes.

The Board stated they are long but they appreciate the accuracy and would like to see if the length continues.

Ms. Taxin stated that she and Ms. McCall would work on summarizing when possible to shorten the length.

9:50 am

Connie Call, Compliance Report

Ms. Call updated the Board regarding the compliance or non-compliance of probationers.

Ms. Call reported that **Dave Abrams** is currently in compliance. Ms. Taxin commented that Jaime Peterson called from Holiday Pharmacy, where Mr. Abrams is employed, and reported that the pharmacy was recently sold to Walgreens and Mr. Abrams did not disclose to the new owners that he was on probation. She stated that when he was questioned he stated that he believed his supervisor informed them. She stated that Ms. Peterson stated that Mr. Abrams has not been under supervision and recently was terminated. Ms. Taxin requested the Board to address these issues with Mr. Abrams during his appointment.

Ms. Call reported that **Laura Tautfest** is currently in compliance.

Ms. Call reported that **Michael Sanchez** is currently in compliance. Ms. Taxin reminded the Board that they had requested a letter from Mr. Sanchez's wife or that Mr. Sanchez is to provide a second psychological evaluation with a recommendation regarding his mental status. She stated that neither has been received and asked the Board to inquire about both during Mr. Sanchez's appointment.

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

Ms. Call reported that the Division had an incorrect phone number for **Andrea Lowry** at the last Board meeting. She stated that she has a current phone number and Ms. Lowry will be available to discuss her request for termination of the required 12 step attendance. Ms. Taxin commented that Ms. Lowry's original evaluation recommends therapy, attendance at AA meetings because of a high probability for re-occurrence. Ms. Taxin recommended Ms. Lowry have a second evaluation by her therapist or Dr. Brunson with a recommendation from him prior to considering terminating any requirements.

Ms. Call reported that **Spencer Edwards** is currently in compliance. She stated that Mr. Edwards may be a little flustered today as there was some confusion regarding his appointment. Mr. Fitzpatrick commented that the file has a UA test reflecting

excused May 19, 2008. Ms. Call responded that she will check on that test and report back to the Board.

Ms. Call reported that **4 Care Pharmacy, Ranch Pratt**, will be meeting for a public reprimand. She stated that he was required to pay a \$2,000.00 fine within 30 days and to date there is no record of the fine being paid.

Ms. Call reported that **J. Michael Hodges**, is currently in compliance but is not working as he was terminated from his employment. She stated that he was offered a temporary position for a 2 week period and she had told Mr. Hodges that the position would not meet the requirements of his Stipulation and Order. Ms. Taxin commented that she talked with Mr. Hodges' employer and informed her that Mr. Hodges could continue to be employed with the company if they could place him at 1 or 2 pharmacies. Ms. Taxin stated that the employer commented that they would be unable to accommodate that restriction. She stated that reports have been received from his employer which document that Mr. Hodges is professional on the job. Ms. Taxin requested the Board address Mr. Hodges' essay regarding the effects of his actions on himself, the victim and the profession.

Ms. Call reported that **Olympus Pharmacy, Kerry Brown**, is currently in compliance. Ms. Taxin commented that Olympus Pharmacy is in the process of being sold and she believes Mr. Brown will bring a letter to formally request termination of probation as he would like the pharmacy to be in good standing before completing the sale of the pharmacy. Mr. DeRose commented that Walgreens has also purchased the Olympus Pharmacy.

Ms. Call reported that **Alfonso Montano** will be meeting for his initial Memorandum of Understanding interview.

Ms. Call reported that **Cameron Tolley** has requested his supervision be changed from direct supervision to general supervision. She stated that Ms. Taxin will review the request later in the meeting.

Ms. Call updated the Board regarding **Cody Beaumont.**

10:00 am

Dave Abrams, Annual Probationary Interview

Mr. Abrams met for his probationary interview.

Board members and Division staff were introduced.
Mr. Fitzpatrick conducted the interview.

Mr. Abrams disclosed that Walgreens purchased the pharmacy and informed him that they would not retain anyone on a probationary license. He stated that it is the same pharmacy and the phones are still being answered as Holiday Pharmacy. Mr. Abrams notified the Board that his employment was terminated Friday, May 23, 2008 and Gordon Hanks will continue to be his supervisor for a few more weeks.

Mr. Fitzpatrick informed Mr. Abrams that his Stipulation and Order does not specify whether his supervision must be direct or general, therefore, Mr. Abrams may work alone for another pharmacy.

Mr. Abrams requested a copy of his Stipulation and Order.

The Board reminded Mr. Abrams to notify any employer of his status, to give them a copy of his Stipulation and Order to read and to write a letter to the Division that they have read the document and are willing to support Mr. Abrams in being successful in his probation. He was also reminded to notify the Division of any change in supervisor, employment, address and phone number.

Mr. Abrams commented that he has learned that he must follow the Laws and Rules and to stay away from all gray areas. He stated that he has talked with different pharmacies regarding employment.

Following additional discussion an appointment was made for Mr. Abrams to meet again October 28, 2008.

11:15 am

Laura Tautfest, Probationary Interview

Ms. Tautfest met for her probationary interview.

Ms. Yamashita conducted the interview.

Ms. Yamashita reminded Ms. Tautfest that her reports have been late. She stated that they are due in February, May, August and November. Ms. Yamashita stated that documentation of completing the required continuing education has been received. She asked Ms. Tautfest to verbalize what she has learned from the probationary experience.

Ms. Tautfest responded that she is still employed at the Medicine Shoppe and is now the head Technician. She stated that she has learned it is not worth it to compromise ethical standards.

Ms. Yamashita made a motion to change Ms. Tautfest's monthly reports to being due quarterly. Mr. DeRose seconded the motion. Mr. Fitzpatrick, Ms. Yamashita, Mr. DeRose, and Mr. Cortes voted in favor of the motion. Mr. Garn recused himself as he has worked with Ms. Tautfest.

Mr. Fitzpatrick asked Ms. Tautfest to request her employer to address how she has performed in her role as a Technician supervisor in the next report.

An appointment was made for Ms. Tautfest to meet again August 19, 2008.

10:30 am

Michael Sanchez, Probationary Interview

Mr. Sanchez met for his probationary interview.

Mr. DeRose conducted interview.

Following discussion regarding Mr. Sanchez currently being employed with the Veterans Administration, Mr. DeRose commented that Mr. Sanchez requested early termination of probation in February and the Board had recommended a letter of support from Mr. Sanchez's wife and another psychological evaluation.

Mr. Sanchez responded that the timing was not right to ask his wife for a letter and another evaluation would

be too costly for him at this time. He stated that he will continue with his probation.

Ms. Taxin commented that in the original evaluation documents there are issues Mr. Sanchez would need to address in therapy and the therapist has documented that therapy is no longer needed. She stated that there is a conflict and she would be willing to contact the therapist for discussion.

Mr. DeRose summarized that the supervision reports have been positive and Mr. Sanchez is in compliance.

An appointment was made for Mr. Sanchez to meet again August 19, 2008.

10:45 am to 11:00 am

BREAK

11:00 am

Hollie Kilburn, Probationary Interview

Ms. Kilburn met for her probationary interview.

Ms. Yamashita conducted the interview.

Ms. Kilburn reported that she is working late hours, is not in a retail setting and does not deal with money transactions but is putting in applications for other positions as she does not see her children as much as she would like. She stated that it was difficult to find CE that dealt with theft and making positive choices but she tried to apply what she learned in the course to her own situation.

Following discussion, the Board noted that Ms. Kilburn's CE documentation has been received and that requirement has been met, the required evaluation has been received and her supervision reports were received and reflect her dependability and address issues that have been discussed.

Ms. Yamashita made a motion to move the monthly supervision reports to quarterly based on Ms. Kilburn's progress. Mr. DeRose seconded the motion. Mr. Fitzpatrick, Ms. Yamashita, Mr. DeRose, and Mr. Cortes voted in favor of the motion. Mr. Garn recused himself as he has

worked with Ms. Kilburn.

The Board reminded Ms. Kilburn to notify the Division if she changes her employment, address or phone number.

An appointment was made for Ms. Kilburn to meet again August 19, 2008.

11:15 am

Andrea Lowry, Telephonic Interview regarding request

Ms. Lowry met for her telephonic probationary interview to discuss her request for termination of the Stipulation and Order requirement of attending the 12 step program.

Mr. Fitzpatrick conducted the interview.

Ms. Lowry explained that attendance was a hardship on her family and she believes she has progressed in her recovery to a point where the meetings are no longer helpful. She stated that she does not plan to return to work but would like to retain her license to keep her options open. Ms. Lowry stated that her therapy has been terminated.

Mr. Fitzpatrick read the last sentence of Dr. Etringer's evaluation which indicates that recovery will take time and attendance at the 12 step program will assist in the recovery. He stated that in order for the Board to consider her request the Board would need another evaluation to make sure her life has changed, the issues resolved, that she would be safe to practice and the 12 step program would no longer be beneficial to her. He stated that Dr. Heaton, her Psychologist, submitted a letter 2 years ago and nothing has been received since that time. He stated that it is difficult to ascertain that she has recovered when she has not been working in the field. Mr. Fitzpatrick also reminded Ms. Lowry that her probation time does not count while she is not working in the field.

Ms. Lowry asked if she would be required to retake the examination if she surrendered her license.

Ms. Taxin responded that she may have to retake

the exam if it is an extended period of time and/or if the examination or requirements change. Following additional discussion, the Board denied Ms. Lowry's request.

Ms. Taxin asked Ms. Lowry to contact her after she researches her options and then will schedule an appointment for her to meet with the Board.

11:30 am

Spencer Edwards, Probationary Interview

Mr. Edwards met for his probationary interview.

Mr. Fitzpatrick conducted the interview.

Mr. Edwards informed the Board that he has 40 hours of community service to complete for his civil probation to be terminated.

Ms. Taxin asked that upon completion Mr. Edwards provide documentation.

Mr. Fitzpatrick asked Mr. Edwards to explain the excused UA. Mr. Edwards responded that he has called in every day and has not been notified that any tests have been excused. Mr. Fitzpatrick summarized that Mr. Edwards is currently in compliance as his reports have been submitted and reflect that he is responsible in his employment and there are no positive tests on the UA report.

An appointment was made for Mr. Edwards to meet again August 19, 2008.

11:45 am

4 Care Pharmacy, Ranch Pratt, Reprimand Interview

Mr. Pratt and Brian Mills met for the probationary interview.

Board members and Division staff were introduced.

Mr. Garn conducted the interview.

Mr. Pratt and Mr. Mills informed the Board that they have read the Stipulation and Order and understand that it is a public reprimand.

Mr. Garn asked if the required \$2,000.00 fine has

been paid as the Division does not have record of payment.

Mr. Pratt responded that he believed it had been paid but will check with his accountant and, if it has not, he will be sure it is paid prior to June 1, 2008.

Mr. Garn asked Mr. Pratt to briefly explain what caused the reprimand for 4 Care Pharmacy.

Mr. Pratt explained that due to the unexpected growth of the pharmacy some fudging was done and faxed copies of prescriptions were received. He stated that steps have been taken to correct the problems and no C-II prescriptions are accepted without an original prescription. He stated that all facilities they service have been notified that if they want their medications they must submit original copies of prescriptions. He explained that all Pharmacy Technicians have been notified that they cannot arrive early and must have a Pharmacist present in order for them to enter any information.

Mr. Mills stated that the assisted care centers have balked with the requirement that there are no returns as they cannot be sure how the medications were stored or how the patient took care of the medications. He stated that they are starting the process of hiring another pharmacist.

Mr. Fitzpatrick commented that there are currently some Pharmacists on probation who need to be in an environment where they have supervision that are seeking employment. He stated that these individuals are allowed to work as a Pharmacist but need another Pharmacist working with them which 4 Care Pharmacy's business could potentially provide. Mr. Fitzpatrick asked Mr. Pratt and Mr. Mills if they would be interested in new hires.

Mr. Pratt and Mr. Mills responded "yes" and Mr. Pratt provided his business card to Mr. Fitzpatrick.

Ms. Taxin reminded Mr. Pratt and Mr. Mills that there is no commitment and they are under no

obligation to employ a probationer. She stated that it is difficult sometimes for licensees/probationers to take responsibility for their actions and thanked Mr. Pratt and Mr. Mills for being responsible.

12:00 pm to 1:00 pm

LUNCH

1:00 pm

J. Michael Hodges, Probationary Interview

Mr. Hodges met for his probationary interview.

Mr. Young conducted the interview.

Mr. Hodges commented that he is uncomfortable meeting with the Board and is currently unemployed. He stated that locating employment is more difficult and different than it used to be.

Mr. Fitzpatrick gave Mr. Hodges Mr. Pratt's business card and suggested he make contact regarding employment as they have multiple Pharmacists working at the same time.

Mr. Hodges responded that he is familiar with 4 Care Pharmacy as he has worked there a few times. He thanked the Board for the information.

Ms. Taxin informed Mr. Hodges that he should locate a CE course on boundaries and submit the syllabi to her to review to be sure it will meet the requirements of his Stipulation and Order. Ms. Taxin requested Mr. Hodges to briefly update the Board regarding the treatment at Alliance House.

Mr. Hodges responded that he has had in-depth experience regarding the impact of his actions on primary or secondary victims and the program has been beneficial to him. He continued that the expense to him with his limitations will be great as he has been working long hours. He stated that with the restrictions the Board has placed on him it will be difficult to meet his financial obligations.

Mr. Young responded that he will now have time to invest in himself to get back where he needs to be.

Mr. Fitzpatrick commented that he is offended by

Mr. Hodges comments as the Board did not do anything to him, but Mr. Hodges caused his own difficulties. He stated that he is hoping that at some point in time Mr. Hodges will be able to come to the Board and say he caused his own problems. He requested Mr. Hodges to reflect on what he has done and try to recognize it is his life and not what others have done to him. Mr. Fitzpatrick asked what Mr. Hodges has learned in the 12 step meetings he has attended.

Mr. Hodges responded that it has been educational for him to hear the experiences of other people. He stated that it has helped him develop empathy for others and to learn appropriate behavior and what is not appropriate.

Mr. Young informed Mr. Hodges that his therapist report had been received and was a positive report regarding the issues they were working on.

Mr. Garn reminded Mr. Hodges that he is required to complete CE requirements. He asked Ms. Taxin if the CE must be live or if Mr. Hodges may complete internet courses.

Ms. Taxin responded that she would need to review Mr. Hodges Stipulation and Order to respond to Mr. Young. She stated that Mr. Hodges' therapist may have some recommendations regarding CE that would be appropriate.

Ms. Taxin commented that his employer submitted several reports that were all positive regarding his appropriate behavior. She stated that she talked with his employer regarding placing him at 1 or 2 locations for employment.

Mr. Hodges stated that he had the opportunity to work for 2 weeks at Primary Children's but was not a permanent position. Mr. Hodges commented that Ms. Call had informed him that he cannot work at temporary positions. He stated that the position would have given him employment while he is looking for a full time position.

Ms. Taxin responded that if there is another Pharmacist there the position at Primary Children's might work. She stated that they would have to read the Stipulation and Order and write their letter to the Division.

Mr. Young reminded Mr. Hodges that a practice plan would also need to be submitted.

Mr. Hodges asked the Board to explain a practice plan.

Mr. Fitzpatrick explained that a practice plan outlines the employment position, how he will be supervised, what duties he will have while working and who he will be supervising. He then asked if the temporary staffing agency will release Mr. Hodges from their non-competing clause.

Mr. Hodges thanked Mr. Fitzpatrick for the practice plan information and stated that he believes the temporary staffing agency will release him from their non-competing clause.

Ms. Taxin asked Mr. Hodges to contact her if he is offered any type of employment and she will consider his request.

Following additional discussion, the Board agreed that Mr. Hodges has met the requirement of writing an essay regarding the effects of his actions and determined Mr. Hodges is in compliance with his Stipulation and Order.

An appointment was made for Mr. Hodges to meet again August 19, 2008.

1:15 pm

Olympus Pharmacy, Kerry Brown,
Probationary Interview

Mr. Brown met for the probationary interview. Judy Nielsen, DPTC Walgreens attended with Mr. Brown.

Board members and Division staff were introduced.

Mr. Fitzpatrick conducted the interview.

Mr. Brown informed the Board that Olympus Pharmacy is being sold to Walgreens and is scheduled

to close at the end of this week. He stated that part of the sale is that he will continue to work for them for at least a year and will be located at the Holliday facility. He stated that most of the employees will also work for Walgreens. Mr. Brown stated that the probation is through July 2008 and he requested the Board to consider early termination of the Olympus Pharmacy probation. Mr. Brown submitted a formal letter of request for the Board to review.

Following discussion, Mr. DeRose made a motion to terminate the probation on Olympus Pharmacy based on all requirements having been met except the time period. Mr. Cortes seconded the motion. The Board vote was unanimous.

Ms. Taxin explained the termination process to Mr. Brown.

2:00 pm

Paul Christian, Discussion regarding Radiopharmaceutical Manufacturing

Mr. Christian met with the Board to discuss radiopharmaceutical manufacturing. Eric Smith attended with Mr. Christian.

Mr. Christian explained that in 2002 the Huntsman Cancer Center opened a unique lab in relation to PET scans. He stated that he previously met with Diana Baker, Bureau Manager, and Mark Munger and asked their direction regarding licensing. He stated that it was recommended that they apply for a manufacturing license and they currently have that license. He explained that the FDA has been unsure how PET pharmaceuticals should be handled. Mr. Christian explained that the Division of Radiation Control requires a specific training program that is unique to manufacturing and control. He stated that they do not count pills, that the materials are prepared in radioactive packets by chemists who have received specific training. He stated that they would like to know what their employees will need to document to be licensed as Pharmacy Technicians if he applies for a Pharmacy license. He stated that there is only about 1% of the Pharmacy Technician information that would apply to their employees and should he try to pursue a Law change or submit an application.

Ms. Taxin clarified that they are looking at obtaining a Pharmacy license and having their employees licensed as Pharmacy Technicians. She asked if Mr. Christian wants to expand what the agency is currently doing.

Mr. Christian responded that Ms. Taxin is correct.

Mr. Fitzpatrick asked if there are other manufacturers using this product and providing specific patient dosages.

Mr. Christian responded that there are no other manufacturers using this product and they do want to provide specific patient dosages. He stated that there are only about 100 facilities in the U.S. and none of them are currently willing to try dosage concentration manipulations.

Mr. Smith commented that they are a small group and having licensed Pharmacy Technicians would reduce each employee's radiation exposure.

Mr. Christian stated that they would also retain the manufacturing license but would not manufacture any additional radioactive medications.

Ms. Taxin stated that as long as they meet the criteria they could apply for a Pharmacy license. She stated that they might develop and write a Pharmacy Technician program for the Board to review and make sure the Pharmacy Technicians rotate through the University of Utah system to have a full experience.

Mr. Fitzpatrick explained that the Pharmacy Technicians are required to complete an approved program and Mr. Christian could include their specific criteria into that program.

Mr. Christian thanked the Board for their time and stated that he will be reviewing the requirements of an approved Pharmacy Technician program.

Alfonso Montano, Probationary Interview

Mr. Montano met for his probationary interview.

Board members and Division staff were introduced.
Mr. DeRose conducted the interview.

Mr. DeRose reviewed the Memorandum of Understanding Facts and probation requirements. He then asked Mr. Montano to briefly explain what brought him before the Board.

Mr. Montano explained that his growing up years were difficult and full of drinking and fighting.

Ms. Taxin stated that she informed Mr. Montano that if he is going to be licensed that he needs to be professional and choose to walk away from possible altercations.

Mr. DeRose noted that Mr. Montano has paid his fines, completed the Pharmacy Technician program with Med for Vets and the employer has submitted positive reports.

Ms. Taxin explained that all future reports must be completed by the Pharmacist. She stated that the Pharmacist must read the MOU and write a letter regarding their willingness to support Mr. Montano and assist him in being successful in his probation.

Mr. DeRose reviewed the specific conditions and due dates in Mr. Montano's MOU. He stressed to Mr. Montano that the Board and Division have given him this chance to be licensed and to turn his life around.

Mr. Montano voiced understanding.

Mr. Fitzpatrick asked Mr. Montano to explain what he has learned from attending anger management classes.

Mr. Montano responded that he has learned that he needs to stop and think about his actions instead of reacting to situations. He stated that his children, brothers and sisters have learned how to push his

buttons. Mr. Montano commented that he very rarely drinks.

Mr. Fitzpatrick asked how much longer Mr. Montano will be in court ordered therapy.

Mr. Montano responded that he just started the therapy.

Ms. Taxin informed Mr. Montano that prior to terminating his therapy a letter will need to be sent to the Division from the therapist stating Mr. Montano has met his goals and the therapist recommends termination of therapy.

An appointment was made for Mr. Montano to meet again August 19, 2008.

APPLICATIONS:

Children's Health Connection Pharmacy,
Branch of LT Dee Pharmacy

Ms. Taxin explained that LT Dee Pharmacy submitted an application for a branch Pharmacy called Children's Health Connection Pharmacy. She stated that in Ogden, Utah, they conduct a children's health program each year for under-privileged children in the area. Ms. Taxin explained that licensed health professionals donate their time and expertise to treat these children. She stated that part of the program is to offer pharmaceuticals as prescribed and in the past there has not been a formal license for the Pharmacy. Ms. Taxin explained that she supported a formal license for the Pharmacy as the medications will be retained at the location with licensed Pharmacists filling the prescriptions. Ms. Taxin stated that the program is for a 2 day period of July 11 and 12, 2008 and the temporary Pharmacy will be in the teacher's lounge where there is a lock on the door to secure the medication and there is hot and cold running water. She stated that other locations may decide to run a similar program and, if they meet specific criteria, a license could be issued for the same purpose.

Mr. DeRose made a motion to approve the license of the branch Pharmacy based on using only the formulary submitted with the application. Mr. Garn seconded the motion. Ms. Yamashita, Mr.

DeRose, Mr. Garn, Mr. Cortes and Mr. Young voted in favor of the motion. Mr. Fitzpatrick abstained from voting as he is involved as one of the Pharmacists for the program.

Kamas Foodtown Pharmacy, Review Requested Additional Information for Pharmacy Technician Education Program

Ms. Taxin explained that Kamas Foodtown Pharmacy was requested to submit their final examination for review in order to approve their Pharmacy Technician program.

Mr. Cortes reviewed the examination and recommended the program be approved.

The Board concurred.

Gatlin Education Services, Review Pharmacy Technician Education Program

Ms. Taxin read the letter from Gatlin Education Services regarding approval of their proposed Pharmacy Technician program.

The information was given to Mr. Cortes to review.

MountainWest Apothecary, Review Pharmacy Technician Education Program

The proposed Pharmacy Technician program from MountainWest Apothecary was given to Mr. Cortes to review.

DISCUSSION ITEMS:

Review Self-Assessment Report Questions

Ms. Taxin explained that some probationers and others have questioned the purpose of the self-assessment report questions. She requested the Board review the questions during this next month and be prepared for discussion regarding changes and/or updates as appropriate at the next Board meeting.

Cameron Tolley, Discuss Request Regarding Supervision

Ms. Taxin explained that Mr. Tolley asked at his last interview if his supervision could be changed from direct supervision to general supervision. She stated that the Board had agreed to consider his request if he could submit letters from his therapist and supervisor supporting his request.

The Board voiced some concerns regarding controlled substance inventories and reconciliation.

Ms. Taxin then suggested Mr. Tolley be allowed to be under general supervision until August 2008 and then

have his supervisor document in the report if Mr. Tolley has done well while under general supervision.

Following discussion, it was determined to invite Mr. Tolley to meet with the Board in June. The Board determined that they would then consider a trial basis for general supervision until November 2008 when the inventory and reconciliation will be required and a final decision will be made regarding the requirement of direct supervision or general supervision.

Ms. Taxin and Board Members Report on NABP Conference

Mr. Fitzpatrick, Ms. Yamashita, Mr. Garn and Ms. Taxin briefly updated the Board regarding the NABP conference.

Board members thanked Mr. Fitzpatrick, Ms. Yamashita, Mr. Garn and Ms. Taxin for attending the conference.

Joyce McStotts, Division Staff

Ms. McStotts was requested to update the Board regarding the Pharmacy Technicians applications being submitted.

Ms. McStotts informed the Board that many Pharmacy Technicians are requesting the Division to break the Law because they are not following the Law. She explained that applications are being received that are incomplete, experience is starting prior to approval and, in some cases, the Division has never received an application. She stated that she has recommended these individuals be invited to meet with the Board to explain what they are doing and why they are not following the guidelines as set forth in the Law.

Ms. Taxin explained that one application had been filled out in pencil with information crossed out so that the application could not be read. She stated that the fingerprint cards did not have the name written on the cards. Ms. Taxin stated that the father called and complained that the Division was ganging up on his daughter. She stated that the applicant is a 19 year old. Ms. Taxin stated that both the school and applicant should be held accountable. She stated that she would like to address the age issue as people cannot legally drink until they are 21 and we are

issuing a license to dispense drugs prior to 21. She stated that the Division receives phone calls from 16 and 17 year olds who are advanced in their education but are immature and do not understanding the Laws and Rules and talk back to her and her staff. She questioned if a Pharmacist asked one of these applicants to do something would they develop an attitude. Ms. Taxin stated that incomplete information is becoming regular.

Following additional discussion, the Board recommended the applicants that have issues and their Pharmacist-in-charge be invited to meet with the Board for additional education regarding the privilege of being licensed.

Ms. Taxin Discussion regarding Explanation of Consent Agreement

This item was deferred to the next scheduled Board meeting.

CORRESPONDENCE:

Eric McDowell Information regarding Pharmacy Training Program in a Nuclear Pharmacy Setting

Mr. McDowell appeared for the discussion.

Board members and Division staff were introduced.

Mr. McDowell explained that the Nuclear Pharmacy Training Program has difficulty retaining employees. He explained that there are employee's within the organization who could fill positions but they are not licensed Technicians. He asked if the Board would consider having the Pharmacy Technicians train at satellite facilities for part of the 180 required hours.

Ms. Yamashita responded that the Board's concern is that the Pharmacy Technicians need to have a well-rounded experience.

Ms. Taxin responded that if they were rotating the Pharmacy Technicians they would need to be sure they are in one location long enough to get a well-rounded experience.

Following additional discussion, the Board determined that the education would be required to meet the same standards as all other education. They referred Mr. McDowell to the Laws and

Rules and suggested he submit a formal program to be reviewed.

The Consultant April 2008 and May 2008

The Board reviewed the newsletters. **No action was taken.**

Pharmacy Continuing Education Program Information

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

Infusion Therapy, Pharmacy Technician Program Experience, Is it Acceptable

Ms. Taxin explained that in the past individuals have been licensed with their experience obtained in the area of infusion therapy but that Ms. Baker told her they didn't meet the Laws and Rules requirements. She stated that the education requirements are specific and some of the infusion programs have said that they will change their program to meet the requirements.

Mr. Garn commented that Pharmacy Technicians from infusion pharmacies who rotate through their pharmacies receive the training program specific to their pharmacy.

The Board recommended additional discussion on this subject at another Board meeting. The Board also recommended that appointments be made for those individuals who have not worked within the requirements of the Law.

Kristie Fitzgerald Experience, Approved Pharmacies

Ms. McStotts explained that Ms. Fitzgerald has been signing some areas of the Pharmacy Technician application which should be signed by the supervising Pharmacist.

The Board recommended Ms. Fitzgerald be notified that the infusion pharmacies would accept 90 hours of infusion training but 90 hours of retail experience will be required to complete the program.

NABP Correspondence

The Board reviewed the following NABP correspondence:

1. Notification of Change in MPJE Exam Item Review Meeting. **The Board noted the information**
2. Newsletter, May 2008. **No action was taken.**

ACCP Careers Newsletter, May 2008

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

MPJE Participating in the State Board of Pharmacy Meeting.

Mr. Fitzpatrick discussed the need to have two to three people come to NABP to do the review of the questions on the NAPLEX and MPJE testing questions to ensure the questions are currently applicable.

Mr. Fitzpatrick and Mr. Young will be attending the meeting and reviewing the questions in Chicago, Illinois, on October 9 through 12, 2008.

NEXT MEETING SCHEDULED FOR:

June 24, 2008

ADJOURN:

The time is 5:00 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.

6/24/2008
Date Approved

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

6/5/2008
Date Approved

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