

## MINUTES

### UTAH STATE BOARD OF PHARMACY

July 22, 2008

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

**Convened:** 9:00 a.m.  
**Conducting:** Roger B. Fitzpatrick, Chair

**Bureau Manager:** Laura Poe  
**Board Secretary:** Shirlene Kimball  
**Division Director:** F. David Stanley

**Board Members Present:** Roger B. Fitzpatrick  
Derek D. Garn  
Betty Yamashita  
David C. Young  
Edgar Cortes

**Division staff:** Connie Call, Compliance Specialist  
Ronda Trujillo, Compliance Specialist  
Kent Barnes, Sr. Business Analyst  
Wayne Holman, Chief Investigator

**Guests:** Dominic DeRose, Jr. (awaiting re-appointment)  
Emily Warnock, University of Utah  
Jaime Peterson, Walgreens  
Sam Haddadin, Supervalu  
Greg Jensen, Target  
Shawna Hanson, Sav-On  
Dave Cheney, Sav-On  
Gerry Hassell, Wal-Mart  
Melissa Archer, University of Utah  
Andy Simmons, University of Montana  
Matt Higley, University of Utah  
Shashank Virkar, Supervalu  
Giao Tran, Health South  
Chau Nguyen, Jolley Pharmacy  
Marty Hill

#### TOPICS FOR DISCUSSION

#### DECISIONS AND RECOMMENDATIONS

**ADMINISTRATIVE BUSINESS:**

June 24, 2008 Minutes:

Minutes from the June 24, 2008 Board meeting were approved with corrections.

Introduction of Laura Poe, Bureau Manger  
And Shirlene Kimball, Secretary:

Ms. Poe and Ms. Kimball were introduced to Board members. Ms. Poe stated she is looking forward to working with the Board.

Board members expressed appreciation for the assistance provided by Noel Taxin and Karen McCall.

Connie Call,  
Compliance Report:

Ms. Call reported the following individuals are in compliance with the terms and conditions of their Order: Andrea Lowry, Mary Jo Cates, Reuel Jay Bawden and William Roberts.

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their Order: Rebecca Burton, Sheryl Ledet and Mike Hodges. Ms. Call indicated Ms. Burton has not submitted a report from Chapman Security and Investigations regarding her criminal probation status. Ms. Call reported Ms. Ledet missed a urine screen on April 5, 2008 and had a positive urine screen for a low level of ETG. Ms. Poe indicated that an ETG below 1000 most likely resulted from a source other than having ingested alcohol. Ms. Call reported Mike Hodges is compliant with his paperwork, however; he had requested he be allowed to work for an agency and have the agency submit an employer evaluation. His Order does not allow him to work for an agency and he was informed by the Board he could not work for RX Relief. Ms. Call reported it appears he is working for RX Relief.

Sheryl Ledet,  
Practice Plan review:

Ms. Ledet submitted a practice plan for Critical Care Home Infusion and indicated she has also applied at Smith's. Ms. Ledet indicated she would work one day a week at Critical Care Home Infusion and on-call evenings and weekends. She stated the supervisor would not be on site during the weekends; however she indicated she would not have access to controlled substances during this time. She indicated another pharmacist would be contacted for pain management if necessary. Her Order was signed three years ago, however, she has not been working as a pharmacist. Ms. Ledet stated she understands her probationary

period does not start until she is employed as a pharmacist. Ms. Ledet stated she feels she has made significant progress in the last three years. Ms. Yamashita questioned how she feels about returning to practice. Ms. Ledet stated her concern is her ability to be productive. She stated she feels home infusion will not have the production pressure and feels she will do fine there. She stated the retail pharmacy will be more rushed and she is a little nervous going back. Mr. Fitzpatrick reviewed the practice plans and stated they appear to be acceptable. Ms. Yamashita made a Motion to approve the practice plan for Critical Care Home Infusion and for Smith's once she has received the job offer and can provide more specifics regarding employment at Smith's. Mr. Garn seconded the Motion. All Board members in favor.

Cameron Tolley,  
Probation interview:

Ms. Yamashita conducted the interview. Mr. Tolley reported work is going well. He stated he likes to golf, ride his motorcycle and work in the yard and these activities help to alleviate stress. Mr. Tolley stated he attends PIR and 12-step meetings and has been meeting with his therapist. Mr. Tolley stated he likes the PIR meetings, but does not feel he receives any benefit from attending AA meetings. Board members questioned whether or not he would like to attend PIR meetings in lieu of AA meetings. Mr. Tolley stated AA meetings are closer to his home whereas PIR meetings are held in Salt Lake and it takes more time to attend PIR meetings. He stated he would prefer the Order remain as written regarding 12-Step and PIR meetings.

Mr. Tolley requested his Order be amended to allow for general supervision. Ms. Yamashita reported the therapist submitted a letter stating Mr. Tolley has received maximum benefit from therapy and supports the request for general supervision. Mr. Tolley stated he has submitted all paperwork requested by the Board. Ms. Yamashita stated that at the May Board meeting, Board members discussed having Mr. Tolley submit a controlled substance inventory on a quarterly basis and submit a letter addressing how discrepancies are handled.

Ms. Poe indicated that according to the Stipulation and

Order, Mr. Tolley can not be responsible for monitoring, ordering or disposing of any medications. Mr. Tolley stated he does not order medications and the ordering is done by another pharmacist. Mr. Fitzpatrick stated the word "ordering" could be eliminated from the Stipulation. Mr. Tolley would not be allowed to dispose of the medications.

Ms. Yamashita made a Motion to amend the Order to terminate the therapy requirement, allow for general supervision, and remove the word "ordering" from the Stipulation. Mr. Cortes seconded the Motion. All Board members in favor.

Mr. Tolley will need to submit a controlled substance inventory on a quarterly basis. Board members would also like to see a letter addressing how discrepancies are handled. **Mr. Tolley is in compliance with the terms and conditions of his Order.**

Mary Jo Cates  
Interview:

Ms. Yamashita conducted the interview. Ms. Cates reported work has improved and most of the staff that left last fall returned. She stated she works an average of 23 hours per week. Ms. Cates submitted the controlled substance inventory and all required paperwork. She stated she attends her meetings. **Ms. Cates appears to be doing well and is in compliance with the terms and conditions of her probation.**

William Roberts,  
Annual Interview:

Mr. Fitzpatrick conducted the interview. Mr. Roberts reported things are going well. Mr. Roberts reported he works at the University of Utah and stated he has had no temptations or desire to use. He stated he doesn't dispense a lot, doesn't spend a lot of time out in the pharmacies. He stated he attends PIR, but does not feel they are helpful at this point. He stated he has been sober 8 years and 7 months. He stated he may consider requesting early termination of probation at the end of October or November. **Mr. Roberts appears to be in compliance with the terms and conditions of his probation.**

Jay Bawden,  
Annual Interview:

Mr. Garn conducted the interview. Mr. Bawden reported things are going very well. He stated he continues to have his employers ask for receipts for anything he buys from the pharmacy. He stated he

has taken the MPJE and continues to look for an ethics course. He reported the only course he has found is in Florida and is very expensive. Board members indicated he needs to complete this requirement by October and will need to complete the Florida course unless he can find another course. However, the course must be approved by the Board. If he finds one, he needs to contact Ms. Call and Ms. Call can forward it to Mr. Fitzpatrick for approval. Mr. Fitzpatrick indicated Mr. Bawden is doing well and made a Motion to have him submit his paperwork quarterly instead of monthly. Ms. Yamashita seconded the Motion. All Board members in favor. **Mr. Bawden is in compliance with the terms and conditions of his Order. He will be invited to meet with the Board in January.**

J. Michael Hodges,  
Interview:

Mr. Young conducted the interview. Mr. Hodges is working for RX Relief, which is a temporary placement agency. His Order does not allow him to work for a temporary agency and was informed of this at his last meeting. Mr. Hodges stated he has only worked at 4 Care since July. He stated he does not work for RX Relief. He stated the last time he spoke with the Board he was told it didn't matter how he got a job, only that he worked at one job. Board members indicated it does matter, he has to be hired by 4 Care and not by RX Relief. He is out of compliance by working at RX relief. If he was hired by 4 Care, he would be in compliance. Board members indicated to Mr. Hodges that one supervisor must be accountable. He needs to remedy this problem and submit a practice plan for approval. The plan needs to include how he plans to practice and how supervision will occur. He will need to notify Ms. Call as soon as he finds employment. Mr. Fitzpatrick stated he needs to come into compliance within the next month.

Mr. Hodges also needs to complete the sexual boundaries course by April 2009. He stated he is looking for a course but has not yet found one to complete.

**Mr. Hodges is out of compliance with the terms and conditions of his Order because he is working**

**for a temporary agency.**

Rebecca Burton,  
Interview:

Mr. Garn conducted the interview. Ms. Burton reported she is working at Smith's. She stated she attends AA and has completed court probation. Board members indicated she needs to submit documentation of completion of court probation and documentation of attendance at her meetings. **Ms. Burton is out of compliance with the terms and conditions of her Order because she has not submitted documentation of attendance at AA or documentation of completion of her court probation.**

Issac White,  
Interview:

Mr. Fitzpatrick conducted the interview. Mr. White had a positive urine screen May 22, 2008, missed a urine screen and did not meet as scheduled with the Board last month. Mr. White stated he had a "mini" meltdown last month, but has worked out those issues. He stated last month he had problems with his supervisor and went drinking with friends. He stated he knows he violated his Order, but stated he felt like a victim and was tired of being the sober one amongst his friends. He stated he knows he made a poor decision to drink, but stated he has not ingested alcohol since that time. He stated he has been physically attending the AA meetings, but not involved and has not been going in the right direction. He stated in March he only had a few hours of court ordered community service left, and today has the same number of hours to complete because he has not concentrated on making progress in his recovery. He stated he has not been committed to the Order or sobriety. He stated he has not discussed this with his therapist or sponsor. Mr. White stated he is now calling CVI, attending meetings and is now working harder at recovery than he has in the past. Board members stated he could surrender his license, but he needs to understand the surrender will follow him and needs to realize the long term consequences of his actions. However, if he continues not to take the probation seriously, the Board will have to take further action and it will be forced upon him. Board members stated they are here to help, but he needs to live within the bounds of his Order and take the probation seriously. He needs to make a commitment. Board

members would like to see him next month to see where he is at and where he feels he is headed. Board members indicated to him that his employer reports are good, it appears he has a lot of talent, and a lot to offer but if he chooses to walk away, he needs to understand the consequences. Board members suggested he contact his sponsor and counselor. He also needs to seek support from the people close to him. **Mr. White is out of compliance with the terms and conditions of his Order because he had a positive urine screen, missed a urine screen and has not submitted the required paperwork. He will be invited to meet with the Board next month.**

**APPLICATIONS:**

Southwood Apothecary Shop,  
Pharmacy Technician Training Program:

Program approved.

Break at 12:10 p.m.  
Reconvened at 12:35 p.m.

**DISCUSSION ITEMS:**

AFS Pharmacy Technician Training Program:  
Ric Sykes letter requesting approval to change AFS Pharmacy Technician Program from a paper based training module to a web based module:

Mr. Cortes will review the documents and report to the Board next month.

Dry Creek Pharmacy Tech program:

Mr. Cortes will review the documents and report to the Board next month.

Nomination of Board Chair:

Mr. DeRose nominated Roger Fitzpatrick to continue as chair. Mr. Garn seconded the nomination. Mr. Fitzpatrick stated he would be glad to continue for one more year. All Board members in favor.

District meeting discussion:

Mr. Fitzpatrick indicated the registration paperwork for Board members will be completed this week and rooms will be reserved for Board members.

Mr. Fitzpatrick requested Board members help with finding Utah based raffle prizes to give away. He indicated there is some funding available but he is looking for businesses to donate money or items for the raffle prizes. He stated by the August Board meeting he should have everything worked out and

board members will be given assignments for the meeting. He asked Mr. Hill if he would be willing to go with the spouse tour group on Thursday and Friday. Mr. Hill stated he would be willing and will check his schedule.

Discussion regarding whether or not 16 year olds meet the requirements for pharmacy technician licensure:

The Division had received a request regarding whether or not a 16 year old could be licensed as a pharmacy technician. At the last meeting Ms. Taxin suggested having an age requirement of 21. There was some concern expressed regarding peer pressure for a 16 year old. Mr. Garn stated that if a 16 year old has graduated from high school and has met all requirements for licensure, that individual most likely would not be influenced by peers anymore than an older individual. Mr. Cortes stated the PTCB does not have an age requirement, only that the individual be a high school graduate. He stated there used to be an age requirement of 18, but that has been removed. The pharmacy or corporation may place an age requirement for hire. However, if a 16 year old meets the requirements, they should be allowed to be licensed.

Meeting Dates:

A Hearing has been scheduled for the August 26, 2008 Board meeting. A regular Board meeting will be scheduled for August 19, 2008. The next meetings are scheduled for September 23, October 28 and December 16, 2008. Board members discussed canceling the November meeting. Part of the November probationers will be brought into the October meeting and part into the December meeting.

Intern/Extern Ratio:

Board members discussed the ratio for interns and students. If the rules allow a pharmacist to have one paid intern and one unpaid student, it places the unpaid student at a disadvantage. The pharmacy program would not be able to place students and this would affect accreditation. Board members indicated the rules need to be reworded to state no more than two students per pharmacist and eliminate the wording of paid or unpaid. This doesn't affect the ratio of pharmacy technicians. The pharmacist can still have 3 pharmacy technicians and 2 students/interns and supportive personnel. Mr. Young stated that the schools of pharmacy have to follow the accreditation

standards, which are very strict. He stated they are now using the terms IPPE (introductory experience) or APPE (advanced experience). Mr. Young suggested the rules be changed to “paid or in an IPPE or an APPE.” Ms. Poe indicated the rules would need to define IPPE and APPE. Mr. Young indicated he will provide Ms. Poe with the correct terminology.

Discussion regarding Practice after graduation and prior to licensure:

Board members discussed practice after graduation and prior to licensure. The Statute requires the intern license be expired upon graduation from the pharmacy program. The graduating student needs complete the licensure process by providing the Division with a transcript showing the degree and conferral date. Upon receipt of the transcripts, the individual is approved to sit for the examinations. During this period of time, the individual would have to stop working as an intern. Ms. Poe indicated there is authority in the Division of Occupational and Professional Licensing Act to issue a temporary license. The temporary license form and fee would be submitted with the pharmacist application and fee, and upon receipt of the transcripts a temporary license could be issued until the examinations have been taken. Once the individual passes the examinations, the Pharmacist license would be issued. However, if the individual fails an examination, the temporary license becomes null and void and the individual could no longer practice. The temporary license could be issued for a period of six months and would be under the supervision of a licensed pharmacist. Ms. Poe indicated she will review the Pharmacy Practice Act to make sure there are no conflicts with this proposal.

NASPA and SureScripts announcement:

NASPA and SureScripts announced they have put together a peer-portal web site for reporting problems regarding e-prescribing. This site would be accessible to all pharmacies. The pharmacist would log in and send comments regarding any problems with e-prescribing. Board members indicated approval for the Division to place a link to this site on the Division’s web page.

Mr. Cortes:

Mr. Cortes indicated he is working on his assignment from two meetings ago regarding pharmacy technician training/education. He stated he has been researching

what other states require and how to make the requirements for pharmacy techs better. Mr. Cortes stated he has provided the division with a copy of a packet of information. Mr. Fitzpatrick indicated this discussion will be placed on a future agenda. This discussion will probably require 2-3 hours on the agenda.

Mr. Cortes stated he would also like to change the approval form for the pharmacy tech programs. Board members indicated he could make whatever changes are necessary.

**ADJOURN:**

1:48 p.m.

*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.*

August 19, 2008  
Date Approved

(ss) Roger Fitzpatrick  
Roger Fitzpatrick, Chairperson, Pharmacy Licensing  
Board

August 19, 2008  
Date Approved

(ss) Laura Poe  
Laura Poe, Bureau Manager, Division of Occupational  
& Professional Licensing