

MINUTES

**UTAH
PHARMACY
BOARD MEETING**

August 19, 2008

**Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

Convened: 9:09 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
Wayne Holman, Bureau Chief

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

July 22, 2008 Minutes:

Minutes from the July 22, 2008 Board meeting were approved with corrections. All Board members in favor.

Board meetings:

It was determined that Board meetings will begin at 8:00 a.m. starting with the September 23, 2008 Board meeting.

Connie Call,
Compliance Report:

Ms. Call informed Board members the Division will be providing the Board with a list of citations that have been issued each month.

Ms. Call reported the following individuals are in compliance with their Orders: Bruce Danjanovich, Dave Abrams, Laura Tautfest, Kami Creer, Michael Sanchez, Hollie Kilburn, Spencer Edwards and Michael Hodges. Alfonzo Montano is out of

compliance with the terms and conditions of his Order.

Ms. Call questioned whether or not the Board would consider early termination of probation for Laura Tautfest. Ms. Call indicated Ms. Tautfest has completed all requirements of her Order. She has maintained employment at the Pharmacy where the action occurred that placed her license on probation. Ms. Yamashita stated Ms. Tautfest was placed on two years probation and has only completed one year. Ms. Yamashita expressed concern that if the Board terminates her probation early, other probationers would request termination of probation after completing only half of the probationary period. Ms. Poe stated each request would be reviewed on a case by case basis. Ms. Poe stated in this instance she feels the early termination could be justified. Ms. Poe stated research indicates that individuals who have substance abuse problems have a higher rate of success if they are monitored for a 5 year period of time and in those cases, the early termination request would most likely be denied.

Alfonzo Montano has not submitted therapy reports or employer evaluations. He failed to report he was terminated from Meds for Vets, did not report he was working for a pharmacy at Hill Air Force Base and did not report termination of employment from the pharmacy at Hill Air Force Base. Mr. Montano was also arrested for violating a restrictive Order and appears to have been charged with aiding his niece to defraud Work Force Services.

Rebecca Burton needs to submit documentation of dismissal of the criminal conviction and documentation of completion of continuing education. Ms. Call questioned whether or not the Board would consider early termination of probation. Ms. Burton is not requesting the early termination; it would be the recommendation of the Division. Mr. Fitzpatrick stated when Ms. Burton met with the Board to request licensure she did not understand why the Board was concerned with under-aged drinking. Mr. Fitzpatrick stated he does not want to make any changes to the Order without talking to her and making sure she understands the Board's concerns.

Edgar Cortes, Discussion regarding
early termination of probation:

Mr. Cortes questioned at what point in the probationary period it is appropriate for a probationer to request early termination of probation? He also questioned how the probationer would know to make a request? Ms. Poe indicated the probationer can make a request at any time. Ms. Poe stated the Board/Division does not normally tell the probationer to request early termination of probation. However, the Division can make a recommendation for early termination if it appears it is appropriate. Mr. Cortes questioned whether or not the Board can tell them they can request early termination. Ms. Poe stated the Board could, but the Division would not write it into the Order because there would be the expectation he/she would get off probation early.

Bruce Danjanovich,
Annual probation interview:

Mr. Fitzpatrick conducted the interview. Mr. Danjanovich reported things are going well. He stated he is currently working at Edgemont Pharmacy 30 hours per week and at Wal-Mart Pharmacy for a few hours each week. Mr. Danjanovich is current on all reports and requested early termination of probation. Mr. Danjanovich indicated from the first day of his probation he has dedicated himself to be in compliance and feels he has accomplished that goal. He stated his reports have been positive and he feels he has been very proactive in the probation. Ms. Yamashita made a Motion to terminate Mr. Danjanovich's probation. Mr. Young seconded the Motion. Mr. Garn abstained. All other Board members in favor.

Hollie Kilburn,
Quarterly probation interview:

Ms. Yamashita conducted the interview. Ms. Kilburn reported things are going well. She stated she has a new position with the same employer. She indicated she is no longer compounding, but is doing administrative work and answering the telephone. She has completed her continuing education and reported she has learned to take responsibility for her actions and to be more committed to her job. Board members questioned what she would do if she was presented with same situation again? She stated she would follow the policies of the pharmacy and if she had any questions, she would contact her boss. Mr. Fitzpatrick made a Motion that based on her learning experience and her compliance to the terms and

conditions of her Order, her probation be terminated. Ms. Yamashita seconded the Motion. Discussion: Mr. Young stated he would like to see a letter from her regarding what she has learned from the process. The Motion was amended that once the Division has received a reflection letter the probation will be terminated. Mr. Garn abstained. All other Board members in favor.

It was determined that if an individual submits a request for early termination of probation, Ms. Call will contact the individual and have them provide a reflection letter to be reviewed with the request for termination of probation. The reflection letter needs to address where the probationer has been, what has been learned in the probation process and indicate where they feel they are at today.

Kami Creer,
Quarterly probation interview:

Mr. Young conducted the interview. Ms. Creer indicated she likes her new job, the people and the flexible schedule. She stated friends call her a lot for support when they have a family member who is dealing with drug issues. She indicated she is not an AA sponsor and does not want to be a sponsor. Ms. Creer stated her sobriety date is January 2004. She stated she is not taking any medications not lawfully prescribed for her. Ms. Creer indicated she has been asked to help train employees on the new computer system. She questioned whether or not she could do this under general supervision when providing training in other stores. Mr. Fitzpatrick stated it would okay for a limited time; however, she cannot be the float person. Ms. Creer questioned if she could request early termination of probation. Her employer reports are positive but she still has 1½ years on probation. Board members indicated she could submit a request for termination and include a letter indicating where she is at in her recovery, where she has been and why she thinks she is ready for early termination. **Ms. Creer is in compliance with the terms and conditions of her Order.**

Laura Tautfest,
Quarterly probation interview:

Ms. Tautfest did not appear for her quarterly interview. **Ms. Tautfest is out of compliance with the terms and conditions of her Order because she did not appear for her interview. Ms. Tautfest will**

Michael Sanchez,
Quarterly probation interview:

be scheduled to meet with the Board next month.

Mr. Garn conducted the interview. Mr. Sanchez reported things are going well at work and in his personal life. He indicated his wife is pregnant and they are both very happy. Mr. Sanchez submitted a letter requesting early termination of probation. The letter from his therapist indicates he continues to have risk factors and Mr. Garn questioned Mr. Sanchez regarding these risk factors. Mr. Sanchez stated he feels he has his risk factors under control and has implemented checks and balances regarding access to the internet. He stated at home the computer is in an open area and he does not log on to the internet unless his wife is present. Ms. Yamashita questioned whether or not he has desires to go online and chat? Mr. Sanchez stated he does have desires, but works through it, works hard in therapy and reported the desire is not as strong as before. He stated he recognized his triggers, which include a lack of communication with his wife and his emotions when things are not going right in his life. Mr. Sanchez stated he would like the probation to be terminated so that he can look at other job openings. He indicated he is currently a contractor to the VA, but would like to go to work directly for the VA and he cannot be hired if he has a license on probation. Board members questioned whether or not his wife would be willing to submit a letter to the Board. Mr. Sanchez indicated he thinks she would be willing, but she is not sure what to write. Board members requested Mrs. Sanchez write a letter indicating whether or not she feels Mr. Sanchez is a risk to the public; indicate her support of him; what she feels good about and whether or not she believes Mr. Sanchez is where he needs to be in the relationship from her prospective. He also needs to submit a letter indicating where he has been, where he is at now, what he has learned and how it will help him avoid the same situation again. Mr. Fitzpatrick made a Motion that before the Board will consider early termination of probation, the two letters must be received, one from Mrs. Sanchez and the other from Mr. Sanchez. Mr. Cortes seconded the Motion. All Board members in favor. Mr. Fitzpatrick will review the letters once they have been received. **Mr. Sanchez is in compliance with the terms and**

Spencer Edwards,
Quarterly probation interview:

conditions of his Order.

Mr. Fitzpatrick conducted the interview. Mr. Edwards stated he will complete criminal probation August 22, 2008. The probation officer submitted a letter indicating he has completed his community service and has paid his restitution in full. Mr. Edwards stated he is waiting for the court to finalize the documentation and once this has been completed, he will submit the document to the Board. Mr. Edwards submitted a copy of his PTCB certificate. Mr. Edwards stated there are no problems at work and no problems in his personal life. He indicated he is starting back to school tomorrow and will be taking 15 credit hours and will work 30 hours per week at Walgreen's Pharmacy. He stated he would like to be off of probation early, his probation is scheduled to end February 13, 2009. Board members indicated he needs to submit documentation of completion of the court probation and meet with the Board in October. Prior to the October meeting, he will need to submit a letter indicating where he has been, what the experience has taught him and his current status. **Mr. Edwards is in compliance with the terms and conditions of his probation.**

GlobalNet Pharmacy, LLC,
Probation interview:

GlobalNet Pharmacy was unavailable by telephone. However, the Florida probation has been terminated and the Utah probation is scheduled to end December 2008. Board members recommend the probation be allowed to terminate without having to meet with the Board again. **GlobalNet Pharmacy, LLC appears to be in compliance with the terms and conditions of the probation.**

David McKnight,
Reinstatement application:

Mr. Fitzpatrick conducted the interview. Mr. McKnight met with the Board to request reinstatement of his pharmacist license. Mr. McKnight stated he has been out of pharmacy practice since July 2004. He indicated he let his pharmacist license expire when he was in an MBA program and did not have time to complete the required continuing education to keep his pharmacist license current. Mr. McKnight stated he would like to return to practice as a pharmacist and has signed a three year commitment with Walgreen's. He submitted documentation of completion of 134 hours

of continuing education. He stated he has no concerns about going back to dispensing and feels he is current with law and practice. He indicated Jamie Petersen, Pharmacist at Walgreen's Pharmacy has agreed to work with him to complete 40 hours of training and 40 hours of shadowing. Mr. Cortes explained that the pharmacy technician responsibilities are different now from what they were four years ago. Mr. McKnight admitted there are some areas where he may not be up to speed and stated that is why he is willing to work with another pharmacist for a period of time. Ms. Poe explained the licensure options to the Board. The license can be reinstated on a non-disciplinary Memorandum of Understanding with specific parameters; or the license can be reinstated without restrictions. Mr. Fitzpatrick made a Motion to reinstate the license without restrictions on the basis of having completed continuing education hours and his plan for transition into the workplace. Ms. Yamashita seconded the Motion. All Board members in favor.

Alfonzo Montano,
Probation interview:

Ms. Yamashita conducted the interview. Ms. Kimball left the meeting and Ms. Call took minutes. Mr. Montano indicated he no longer works for Meds for Vets. He stated he took a contract job out of Hill Air Force Base for two weeks and then was terminated because of the probationary license. He stated he has not been able to follow-up because he can't get back on the Base. He stated he has not seen the therapist at the Family Counselor Center since July because of conflicting schedules. He has not submitted his employer evaluation. He was reminded he needs to notify Ms. Call immediately whenever he terminates employment or begins new employment as well as submit a note from the employer stating they have read and understand his MOU. Mr. Garn reminded Mr. Montano he needs to give his direct supervisor a copy of the MOU. Ms. Yamashita reminded Mr. Montano that it is his responsibility to make sure he knows who his supervisor is, to have the supervisor submit the employer evaluation and the letter of acknowledgement. It is also his responsibility to seek therapy and submit therapist reports. Ms. Yamashita informed Mr. Montano he needs to complete the following: 1). If not working in a pharmacy he still needs to submit the form and write on the form that he

is not currently employed in pharmacy. 2). Notify the Board/Division of address changes. 3). Submit therapist reports and if he continues to have conflicts with the therapist, find a new therapist. Ms. Yamashita questioned him regarding the warrant issued on June 27, 2008 and his July 2, 2008 arrest. He stated his arrest was for violation of a protective order when he tried to see his son. Mr. Montano also stated he was charged with fraud when his niece had him fill out forms stating she lived with him. He admitted she never lived with him and that she was threatening his license. Ms. Yamashita reminded Mr. Montano that he must notify the Division within 3 days of any arrest. Ms. Yamashita questioned when he last ingested alcohol? Mr. Montano stated Christmas 2007.

Mr. Montano is out of compliance with the terms and conditions of his Order. He has not submitted employer or therapist reports, failed to notify the Board/Division of termination of employment and new employment.

Issac White,
Interview:

Mr. Fitzpatrick conducted the interviewed. Mr. White missed calling CVI on August 12, 2008 and missed a urine screen on July 25, 2008. Mr. White stated he has done a lot of thinking regarding his license and probation since the last meeting. He indicated he has talked to his sponsor and his employer and has tried to focus on his options. Mr. White stated he has decided to stick with the Stipulation and will return to attending AA meetings. Mr. White stated he wants to start his program over at step one and treat this as a relapse. He stated he realizes he can be successful in the things he wants to do and knows he needs to make changes. He indicated he is also now doing his community service hours. **Mr. White remains out of compliance with the terms and conditions of his Order for not calling CVI and not attending meetings.**

APPLICATIONS:
University of Arizona:

The University of Arizona is applying for a Class E pharmacy license. The Board indicated this is not necessary and Ms. Poe will contact them to see if they would like to withdraw the application.

Update on the NABP/District meeting:

Mr. Fitzpatrick stated the meeting plans are moving along exceptionally well and there will be approximately 110 attendees and 30 spouse/guests. Ms. Yamashita, Mr. Garn, Mr. Young and Mr. DeRose have provided door prizes. Ms. Poe will follow up with the Division investigators and Assistant AG office. Mr. Fitzpatrick thanked Mr. Stanley for paying for the Board members' attendance. Mr. Fitzpatrick will have Board member assignments in the next couple of weeks.

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:

The information was given to Mr. Cortes to review.

Dry Creek Pharmacy Tech program:

Mr. Cortes indicated the Dry Creek Pharmacy Technician program is appropriate and has been approved as a formal program.

ADJOURN:

2:22 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.

September 23, 2008
Date Approved

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

September 23, 2008
Date Approved

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