

MINUTES

**UTAH
BOARD OF PHARMACY**

December 16, 2008

**Room 474 – 4th Floor – 8:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:10 a.m.

ADJOURNED: 4:10 p.m.

Bureau Manager:

Laura Poe

Secretary:

Shirlene Kimball

Division Staff:

F. David Stanley, Division Director

Ronda Trujillo Compliance specialist

Wayne Holman, Chief Licensing Investigator/Manager

Conducting:

Roger Fitzpatrick, Chairman

Board Members Present:

Roger B. Fitzpatrick

Derek D. Garn

Betty Yamashita

David C. Young

Edgar Cortes

Dominic DeRose

Kelly Lundberg, public member

Guests:

Greg Jensen, Target

Gerry Hassell, Wal-Mart

Mindy Wright

Jaime Peterson, Walgreens

Pete A. Van Aarle, LDS Hospital

Pamela Wang

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

October 28, 2008 Minutes:

Mr. DeRose made a Motion to approve the October 28, 2008 minutes with corrections. Dr. Lundberg seconded the Motion. All Board members in favor.

Ronda Trujillo,
Compliance Report:

Ms. Trujillo reported the following individuals are in compliance with their Orders: Stapley Pharmacy, Jay Bawden, Laura Tautfest, Rebecca Burton, Hollie Killburn, San Rafael Chemical, S. Rich Wright and Andrew Buckley.

The following individuals are out of compliance with the terms and conditions of their Orders: Issac White, Cameron Tolley, Diane Millikan and Mike Hodges.

Issac White. Mr. White has not submitted documentation of attendance at PIR and AA meetings; has not submitted employer reports; missed calling CVI and missed several urine screens.

Cameron Tolley. Mr. Tolley has not submitted his quarterly controlled substance audit; however, the employer submitted a letter indicating there were no irregular patterns concerning controlled substances. Board members will need to determine whether or not the letter is acceptable in lieu of the controlled substance audit.

Diane Millikan. Ms. Millikan's employer report was late and does not indicate the number of hours she is currently working. Ms. Millikan also needs to submit copies of her prescriptions.

Mike Hodges. Mr. Hodges failed to notify the Board he is working for Meds for Vets. It appears he was hired by Meds for Vets June 30, 2008 and his last day with 4 Care Pharmacy was November 5, 2008. Mr. Hodges met with the Board on October 28, 2008 and was questioned by Board members on his place of employment. Mr. Hodges had stated he was only working at 4 Care Pharmacy. Board members expressed concern that Mr. Hodges' behavior has not changed and he does not appear to take the probation seriously.

Evan Stapley, Stapley Pharmacy
Telephone Probation Interview:

Mr. Fitzpatrick conducted the telephone interview. Mr. Stapley indicated the pharmacy is not involved in any branch pharmacies and they have no plans to do so. Mr. Stapley reported their policy and procedure manual is complete and if there are changes or updates, he will submit them to the Board. He stated he has no questions or concerns. The next interview will be conducted March 24, 2009 by telephone. He reported the next pharmacy audit is due April 2009 and he indicated he will have the audit report submitted before the March meeting. Board members

indicated if the pharmacy remains in compliance for the next two meetings, they may consider moving meetings to every six months instead of quarterly.

Mr. Stapley and Stapley Pharmacy are in compliance with the terms and conditions of the Order.

Jay Bawden,
Ethics Course Presentation:

Mr. Garn conducted the interview. Mr. Bawden met with the Board to report on the completion of the ethics course requirement. Mr. Bawden stated the Florida ethics course had been canceled and Board members suggested he read the book "Case studies in Pharmacy Ethics" written by Robert Veatch. Mr. Bawden stated he discussed the cases presented in the book with two pharmacists. He stated it was interesting to compare the ethics at the different pharmacies (one pharmacist works in a community pharmacy and the other works in an institutional pharmacy). Mr. Bawden stated he found the book interesting, but feels it would have been better to have had classroom interaction. Mr. Bawden stated he would recommend mandatory continuing education on the principles of ethics. Ms. Yamashita questioned whether or not he would be willing to share his experiences with the profession? Mr. Bawden stated yes, he would be willing to share his experiences.

Mr. Bawden is in compliance with the terms and conditions of his Order.

Smith Rexall Drug,
Pharmacy Technician program approval
request:

Mr. Cortes reported on his review of the program. Before the program can be approved, the following criterion needs to be addressed. Criterion (a)(i) legal aspects of pharmacy practice including federal and state laws and rules governing practice: The program needs to describe or present guidelines of how they will teach Utah law. Criterion (a)(ix) non-prescription products: The book "Pharmacy Technicians – A Comprehensive Approach" by Jahangir Moini does not include OTC drugs. OTC drugs must be included in the program. Criterion (b) final exam: The final exam submitted does not include OTC questions. Mr. Cortes also suggested the program include more questions in IV, compounding and calculations. Criterion (d)(i) written protocols: the program needs to submit clarification of which chapters of the main book are used in the training program and what chapters of the other books are also

included in the training. Criterion (d)(A): the specific manner in which supervision will be completed is not addressed. Mr. Cortes also requested the program outline include the pages/chapter of all the books that are used.

Pharmaceutical and Diagnostic Services Inc,
Pharmacy Technician training program:

The following information needs to be submitted before approval can be given. Criterion (a)(i) legal aspects of pharmacy practice including federal and state laws and rules: the program must include guidelines for teaching the Utah Law. Criterion (b): A copy of the final exam needs to be submitted and include OTC and Utah Law test questions. Criterion (d) 180 hours of practical training: The program only provides 80 hours of practical training and the remaining hours (100) are in review of the manual and materials. More hours are needed for the practical training. Criterion (e) requires an individual complete an approved training program and successfully pass the required examination within one year from the date of the first day of the training program: This is not mentioned in the guidelines/criteria of the program and should be included.

Review letter regarding the professional
boundaries course for Mike Hodges:

Richard Overson, CPCI, clinical director of Alliance Clinical Services submitted a letter indicating Mike Hodges has purchased "The Better Boundaries" course that is currently being used in the state of Colorado as part of their sex offender therapy program. Mr. Overson indicates he will work with Mr. Hodges on the concepts from the book during individual therapy sessions and the course should be completed in 12 weeks. Dr. Lundberg questioned whether or not participation in the course is in lieu of the therapy session? Dr. Lundberg stated she would recommend the concept discussion be in addition to the individual therapy session. Dr. Lundberg also indicated that Mr. Overson is a CPCI, which is an intern and an intern usually does not serve in a clinical director role. Dr. Lundberg made a Motion to approve the boundaries course with the following changes: The completion of the course can not be part of the therapy session and must be in addition to the regular therapy session. If therapy is one hour per week, then he would need to complete an additional 12 hours for the boundary course. At the completion of the course he will need

to submit documentation of completion from the agency and give a written and oral presentation to the Board. Ms. Yamashita seconded the Motion. All Board members in favor.

Board members also requested Ms. Call follow up with Meds for Vets to see if he is still working for them and to determine whether or not he is working at other pharmacies. Board members would like to have Meds for Vets document how many shifts Mr. Hodges' worked for them and specific dates. Mr. DeRose stated that during Mr. Hodges' last interview the Board directly asked him where he was working and if that was his only place of employment. Mr. Hodges stated he had only been working at 4 Care Pharmacy. It appears that he has been working for Meds for Vets since June 30, 2008. Mr. Hodges will be invited to meet with the Board in January for his regular interview and to make sure he understands what he needs to do to come into compliance with the Order. He will be presented with the information and asked why he denied working at two different jobs. Mr. Hodges has been out of compliance since May 2008 and he has failed to come into compliance with his Order.

Issac White,
Probation Interview:

Mr. White did not appear for his scheduled interview. **Mr. White is out of compliance with the terms and conditions of his Order. He has missed several urine screens and has missed calling CVI. Mr. White also failed to submit his PIR and AA attendance cards and has not submitted an employer report.** Mr. Fitzpatrick made a Motion to refer Mr. White for an Order to Show Cause Hearing for non-compliance to the terms and conditions of his Order including missing urine screens, not calling CVI, not submitting reports and not appearing for the scheduled interview. Dr. Lundberg seconded the Motion. Mr. Young was out of the room and did not vote. All other Board members in favor

Laura Tautfest,
Probation Interview:

Ms. Yamashita conducted the interview. Ms. Tautfest reported things are going well. She is current on all reports and continues to work full time at the Medicine Shoppe. Board members indicated if she continues to remain in compliance, she may want to consider

requesting early termination of probation at her next meeting. In the request she would need to outline what she has learned through the process and the reasons why she would be a good candidate for early release. **Ms. Tautfest is in compliance with the terms and conditions of her Order.**

Rebecca Burton,
Probation Interview:

Mr. Garn conducted the interview. Ms. Burton reported things are going well. She indicated she is currently taking pre-pharmacy courses at the University of Utah. She stated she does not have any temptations to ingest alcohol. Board members questioned what she has learned in the probation process? She stated she has learned to take responsibility for her actions. Her probation is scheduled to end in March and Board members indicated they would consider early termination of probation if she submits a request letter and include what she has learned and why the Board should consider releasing her early. **Ms. Burton is in compliance with the terms and conditions of her Order.**

Break at 10:10 a.m.
Reconvened: 10:30 a.m.

Cameron Tolley,
Probation Interview:

Ms. Yamashita conducted the interview. Mr. Tolley updated his practice plan. Ms. Yamashita indicated the supervising pharmacist sent a one page letter stating there does not appear to be any irregular patterns concerning controlled substances. Ms. Yamashita stated she would like to see a list of controlled substances and an explanation of how discrepancies are handled.

Mr. Tolley stated the Pharmacy changed locations, which has been stressful. The pharmacy is also changing to a new computer system, otherwise every thing is the same as in September. Mr. Tolley indicated he attends PIR and AA meetings, but stated the AA meetings do not pertain to him. He stated he goes just for the signature and because his Order requires him to attend 12-step meetings. Board members suggested he find a 12-step meeting that would fit his personality and build recovery skills and one that would not be a waste of time for him. Mr.

Tolley stated he does not think the Board has an understanding of him as a person and there is a lack of understanding of what he did. Mr. Tolley stated he does not have an addiction problem; he took medications that were not prescribed by a physician to treat a medical condition. He stated he never tried alcohol, but the Stipulation tests for alcohol and he has to attend 12-step meetings. He stated he feels this condition of the Stipulation is overkill. He stated if he wanted to take drugs, he could obtain them outside the pharmacy. He stated he feels if he had gone to a physician and asked for the same medications, he would have received them and would still be considered an up-standing member of the community. Board members questioned whether or not he understands that self prescribing was wrong? If not, he is not gleaning anything from the probation. Ms. Yamashita stated research has shown that if there is a problem with drugs, there can also be a problem with alcohol. She indicated in the past the Board has offered to amend the Order to allow for attendance at PIR in lieu of AA meetings. He stated he will still attend the AA meetings because of the time constraint. Dr. Lundberg question what he has learned from the process? He stated making sure he doesn't do any thing wrong. Dr. Lundberg stated there is a disconnect, it is important for him to know how he could slip up again.

A Motion was made to remove the 12 step meeting requirement and only require attendance at two PIR meetings per month. Mr. Cortes seconded the motion. All Board members in favor. **Mr. Tolley is in compliance with the terms and conditions of his Order.**

Hollie Kilburn,
Quarterly Interview:

Ms. Yamashita conducted the interview. Ms. Kilburn reported things are going well and her employer reports are good. Ms. Kilburn requested her probation be terminated. Board members questioned how she would counsel a co-worker if he/she came to her with a problem or if she could see that person was headed the wrong direction? She stated she would discuss her situation with them.

Ms. Yamashita made a Motion to terminate the

probation. Dr. Lundberg seconded the Motion. Mr. Garn abstained. All other Board members in favor. **Ms. Kilburn is in compliance with the terms and conditions of her Order and the probation will be terminated.**

Diann Millikan,
Quarterly Interview:

Ms. Yamashita conducted the interview. Ms. Millikan submitted the employer report, PIR and 12-step attendance cards. She reported that on October 30, 2008 she had a second operation for a non-union fracture in her femur. She stated she is dealing with the pain, has increased her attendance at support meetings and is staying in contact with people in recovery. She indicated she is limited to what she can do for her employer. She stated she has worked 16 hours every week this month but prior to that was only working 9 hours per week. Due to her surgery and time off, Board members indicated they will accept the hours as meeting the working requirement; however, she will need to work at least 16 hours per week. Ms. Millikan stated her therapist is on a sabbatical and she is seeing a different therapist. She reported she has only seen him once in the past month. Board members indicated she must continue with therapy and requested she obtain a letter from the therapist indicating how often she should meet with him. Ms. Millikan stated she will have the therapist submit the letter by the 1st week in January.

Ms. Millikan indicated she had a prescription filled at the pharmacy but decided she did not want it and did not pick it up. She stated she requested the prescription be reversed. Board members indicated this medication will show up on the controlled substance data base and suggested the pharmacy fax a note to the Division stating the medications were not picked up. **Ms. Millikan is out of compliance with the terms and conditions of her Order and needs to submit the therapist report and a copy of the prescriptions or a letter from the pharmacy indicating the medication was not picked up by Ms. Millikan.**

San Rafael Chemical Services,
Quarterly Interview:

Mr. Meibos did not appear for the interview. Ms. Poe indicated a letter was received from an attorney for San Rafael Chemical Services indicating it would be a

violation of privacy laws if San Rafael Chemical provided the names of individuals requesting chemical testing. Board members expressed concern that Mr. Meibos did not keep a log until the Board requested it. Board members indicated there needs to be some sort of validation that the information Mr. Meibos is providing is complete and accurate. **San Rafael Chemical Services is out of compliance with the terms and conditions of the Order for failure to appear for the scheduled meeting. Mr. Meibos will be invited to meet with the Board next month.**

S. Rich Wright,
Probation Interview:

Ms. Yamashita conducted the interview. Mr. Wright reported he has been sentenced on the felony charges. He stated he plead guilty on two counts and four counts were dismissed. He stated he received three years of probation, a fine, had to write letters of apology and complete a restructuring class.

Mr. Wright stated he is seeing his therapist on a regular basis. He indicated he has been attending AA meetings even though it is not a requirement of his Order. He stated he is unemployed and has declared bankruptcy; but mentally he feels he is in a good place and is moving forward. Mindy Wright, Mr. Wright's ex-wife was in attendance at the meeting. Mr. Fitzpatrick indicated Mr. Wright is looking better now than when he met with the Board in September. Mr. Wright stated he has learned he can not control everything and can only do what he can do. He stated in September he was still fighting bitterness and resentment. He stated he is now taking responsibility whether or not he agrees with what happened to him. He stated he has found alternatives to taking medications and it feels good not to have a crutch. He stated he has made amends with one of the pharmacists and the pharmacist has been very supportive. Mr. Wright stated he is concerned the Board may place so many restrictions on the license that he will not be able to find employment. Board members indicated he needs to be aware that since he is a convicted felon, he may be placed on the Office of the Inspector General (OIG) list and if he is on the OIG list, he will not be able to fill prescriptions for Medicaid and Medicare patients.

The Order from Mr. Wright's OSC Hearing indicated that after the suspension was lifted the license would be placed on a 5 year probation with the terms and conditions outlined in the March 2005 Order. Ms. Poe indicated the decision today for the Board is whether or not to lift the suspension and place the license on probation according to the original order. If the Board does recommend lifting suspension, he would need to submit a practice plan, and have the practice plan approved prior to working as a pharmacist. Ms. Poe indicated the original Order requires urine screens and once the probation is lifted, the urine screens would begin. Board members cautioned Mr. Wright that if he can not afford the urine screens and misses the screens, he would then be out of compliance. Mr. Wright stated he could find a way to pay for the urine screens. Ms. Poe indicated he could be set up in CVI to call everyday, but the screens would not start until his practice plan was approved and he became employed as a pharmacist. Dr. Lundberg expressed concern with Mr. Wright's mood shift. The change happened quickly and he needs to work on this issue in therapy. Mr. Wright stated he will be attending the restructuring course and will work with the therapist. Mr. Young made a Motion to lift the suspension and place the license on a 5 year probation with the terms and conditions of the March 2005 Order with the October 2006 amended for general supervision instead of direct supervision, have him call into CVI everyday as required, but not to do the urine screens until the practice plan is submitted and approved and he begins employment as a pharmacist. Mr. DeRose seconded the Motion. All Board members in favor. Once the Order has been signed, he will need to submit a practice plan for approval before he can go to work as a pharmacist.

Lunch: 12:35 p.m.
Reconvened 1:00 p.m.

Andrew Buckley,
Requesting termination of probation:

Mr. Cortes conducted the interview. Mr. Buckley submitted letters of support for termination of probation from Mark Munger and Pete Van Aarle. Mr. Van Aarle was also present. Mr. Buckley stated work is going well and things are good at home. He discussed with Board members the process he has

gone through in recovery and indicated he has given a presentation to students. He stated he feels he is doing well; the issues that resulted in the probation have been resolved. He reported his wife is supportive. He stated he knows he is clean and he will continue to attend meetings and provide urine screens even if the probation is lifted. Dr. Lundberg questioned how he would handle the same situation today? He stated he would use the coping skills he has learned and would seek help. He stated in his current job he never sees drugs, and if he does change jobs, he will not work in a setting where he feels he would be placed at risk. He stated he has been sober since April 26, 2005. Mr. Buckley stated he does not have cravings but the temptation is there and he realizes it always will be. He stated he has a relapse plan, but will rely on his pre-relapse plan. He stated if he does relapse, he would confess and continue on. Board members commended him for being very open and doing everything that the Board has asked of him. Mr. Garn made a Motion to terminate probation. Mr. DeRose seconded the Motion. Discussion: Mr. Cortes stated Mr. Buckley has done a good job, but would like to see him remain on probation because the fourth year seems to be the year where a lot of relapses occur. Mr. Young stated Mr. Buckley has been a model citizen, has done everything ask and has been very compliant. Vote on the Motion: All Board members in favor of termination of probation. **Mr. Buckley is in compliance with the terms and conditions of his Order and the Board recommends his probation be terminated.**

Aidee Torres,
New Order:

Ms. Torres was excused and will be scheduled to meet with the Board next month. **Ms. Torres is in compliance with the terms and conditions of the Order.**

Phuong Vo Sheffer,
New Order:

Mr. DeRose conducted the interview. Mr. Sheffer explained the circumstances that brought him before the Board. Mr. Sheffer stated he was in financial trouble and took money from the pharmacy where he worked. He stated he made a wrong decision and is very remorseful that he allowed this to happen. He stated he is currently working at Walgreens in Las Vegas Nevada and his employer is aware of the Utah

action. Board members indicated Walgreens will need to submit notification that they have read and understand the Order. Mr. Sheffer has completed the required continuing education and submitted the essay and his practice plan as required in the Stipulation. He stated criminal charges have been resolved and the felony has been reduced to a misdemeanor. He indicated he will have the misdemeanor expunged in April 2009. Board members indicated he must meet with the Board quarterly. The next interview will be March 24, 2009 at 8:30 a.m. by telephone. Mr. Garn made a Motion to accept the essay and the practice plan. Dr. Lundberg seconded the Motion. All Board members in favor. **Mr. Sheffer is in compliance with the terms and conditions of his Order.**

Richard Lowe,
New Order:

Dr. Lundberg conducted the interview. Mr. Lowe explained the circumstances that brought him before the Board. Mr. Lowe explained he was employed full time as the PIC at Wal-Mart Pharmacy and was also the PIC of another Class C pharmacy. He stated he was not physically present at the second pharmacy, but would go in after hours for 20-25 hours per week to review prescriptions written by a physician for diet drugs. He stated the prescriptions were filled by employees of the pharmacy and there were no pharmacy technicians in the facility. Mr. Lowe indicated he told a Division investigator he was not employed at any other pharmacy and stated he realizes it was a poor decision on his part, but he did not want Wal-Mart Pharmacy to be aware of his involvement with the second pharmacy. Mr. Lowe indicated he worked for Wal-Mart for about 18 years and the second pharmacy for about two years.

Board members questioned what has he learned in this process? Mr. Lowe indicated he now realizes as the PIC, he should have been at the pharmacy and accepted responsibility for the pharmacy. He stated he was not aware of what this pharmacy was doing. Board members indicated it is hard to believe that he did not know what was going on. The prescriptions were filled without a pharmacist present, there was no accounting as the pharmacist in charge and unlicensed people were dispensing and filling prescriptions. It was hard for Board members to understand how he

continued to work under these circumstances. Mr. Lowe stated he took his job at Wal-Mart very seriously and looked at this other position as a part time job and did not take the responsibilities seriously. He stated he now realizes it was wrong and there were other options he could have chosen. He stated he did begin to wonder about six months into the job, but never talked about it to anyone because he didn't want anyone to know he was working at this pharmacy.

Mr. Lowe indicated he was fired from Wal-Mart November 24, 2008 and is now working at Walgreens. He stated the supervising pharmacist at Walgreens has read his Stipulation and Order and will submit a letter indicating the Order has been read. Mr. Lowe stated he is looking for continuing education and has not yet paid his fine. Dr. Lundberg stated she would like him to address in his self assessment report why this happened. She indicated he needs to submit more than "I don't know". Board members suggested he find a continuing education course that will help him understand this issue. A restructuring course would have been helpful but since it is not required, the Board can only suggest he attend this type of course. Mr. Lowe will be seen again March 24, 2009. **Mr. Lowe is a new Order and is currently in compliance with the Order.**

Thomas Strebel:

Mr. Strebel passed the MPJE examination and has submitted documentation of completion of 32 hours of continuing education. Mr. Strebel is requesting his Utah license be re-issued and stated he has completed all conditions of his court Order. He stated he would like to move to Las Vegas to practice. Mr. Strebel stated he understands he is on the Office of the Inspector General (OIG) list and will not be allowed to provide services for Medicare or Medicaid clients. Mr. Strebel stated he understands if the Board approves licensure, a list of conditions would be placed on the license. However, he questioned whether or not he would need to be supervised. Mr. Fitzpatrick stated direct supervision with a pharmacist licensed in good standing would be required. Mr. Garn made a Motion to issue a probationary license for a period of 5 years with the following terms and conditions: direct supervision, submit supervisor

reports, can not be the PIC of the pharmacy, submit self assessment reports, submit practice plan and other standard terms and conditions. Mr. DeRose seconded the Motion. All Board members in favor.

Break: 3:20 p.m.
Reconvened: 3:35 p.m.

Governor's Ethics Policy:

Board members reviewed the policy. Informational only, no action required.

Discussion:

Mr. DeRose indicated he has several concerns he would like to discuss with the DEA regarding schedule II controlled substances, however, he is having a difficult time having them respond. Mr. Young reported he has also tried to contact the DEA with his concerns. Ms. Poe indicated she will try to contact them. Ms. Poe stated the Physicians Licensing Board discussed the issue regarding two refills and whether or not the pharmacist can give a 90 day supply versus making the patient come into the pharmacy. Ms. Poe reported the opinion of the Physician's Licensing Board was that it would be best to contact the physician before filling the prescription even if they are refills. Ms. Yamashita stated some insurance plans allow for 90 day supply, but the prescription has to be written for 90 days.

Ms. Yamashita stated there is also confusion regarding electronic prescribing and signature requirements. She questioned whether or not the wording needs to be changed for clarification purposes.

Discussion:

Mr. Fitzpatrick stated rules need to address the number of hours or a percentage of time the PIC must be in the pharmacy. If a PIC is employed full time, the PIC is responsible for the pharmacy even if he/she is not at the pharmacy.

Rules also need to address real time reporting and reverse distribution.

Mr. Fitzpatrick and Ms. Poe will put together a list of issues that need to be addressed in rule. Board members can send in their suggestions and Ms. Poe will send out the list for review. A timeline for

discussion will be determined for each item.

Mr. Fitzpatrick questioned if a pharmacist provides immunizations outside the pharmacy, where would the patient records be kept and stored? For instance, if a pharmacist from Layton goes to Orem and provides the immunization, brings back the records with him to Layton, who contacts the physician if the patient has a problem and who keeps the records? Board members indicated if the immunization is done at a store, the record usually stays with the store. If the immunization is provided at a senior citizen center, the senior citizen center keeps the records. If the pharmacist gives the immunization, he would keep a record for himself.

Discussion regarding disposal of medications:

Ms. Yamashita reported on a meeting she attended regarding disposal of medications. She indicated NABP will be making a change in the model practice rule regarding this issue. The three different models being looked at are: 1). Pharmacy Based. In the Pharmacy based model, a mail box would be placed outside the pharmacy/clinic in a secure building that is closed and locked up at night. Anyone could drop off the medications. It would be convenient, accessible and secure. Two people would have the keys and together they would empty the box and send the medications off to be destroyed. The pharmacy would pay for the medications to be destroyed. 2). Community Based. There would be an advertised drop off/collection site. There would be licensed pharmacy personnel and law enforcement officers present at the designated time and collection site. The medications would be collected and sent off to be destroyed. This could be sponsored by the pharmacy, law enforcement, or anyone who was interested in sponsoring the disposal. 3). Mail back program. A self addressed envelope would be provided and the medications would be mailed back to the DEA or government agency. However, there were concerns with the mail back program because the mail back envelopes would be recognizable and there would be more of a chance for diversion. The organization accepting the mail back medications would not be expecting the medications and would not realize the medications had not reached the destination.

Ms. Yamashita stated the Model Practice Act will develop language for all three situations and will be sent out for feedback. The big issue is the diversion of controlled substances. Mr. Fitzpatrick stated he feels the Model that works the best is a drop box at the police station. Dr. Lundberg stated she feels more people would return the medications to a pharmacy rather than go to the police department. Mr. Fitzpatrick stated he agrees it makes more sense to have the box next to the pharmacy, but who would be responsible for removing the medications and rules would have to be developed to address this issue. NAPB will work with the DEA, EPA and the State Boards of Pharmacy on this issue. Ms. Poe indicated there are a number of groups/agencies looking at this issue and we need to monitor what is going on. Ms. Yamashita stated she would like to be sure there is some pharmacy representation during all the discussions regarding this issue.

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.

January 27, 2009
Date Approved

(ss) Roger Fitzpatrick
Roger Fitzpatrick, Chair Board of Pharmacy

January 27, 2009
Date Approved

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