

MINUTES

UTAH PHARMACY BOARD MEETING

April 28, 2009

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

Convened: 8:05 a.m.

Conducting: Roger B. Fitzpatrick, Chair

Bureau Manager: Laura Poe
Acting Board Secretary: Connie Call

Board Members Present: Roger B. Fitzpatrick
Derek D. Garn
Betty Yamashita
David C. Young
Edgar Cortes
Dominic DeRose, Jr.
Kelly Lundberg

**Department of Commerce and
Division staff:** Francine Giani, Department Director
Thad LeVar, Department Deputy Director
F. David Stanley, Division Director
Kent Barnes, Compliance Manager
Tom Harper, Project Manager Specialist

Guests: Greg Jensen, Target
Linda Sandberg, Omnicare
Megan Milne, Student
Cody Wardell, Student
Kayleen Benter, Student
Robert Hoxsie, Student
Samie Brinkerhoff, Walgreens
Vicki Berger
Trish Petersen, Eagle Gate College
Cade Anderson, Eagle Gate College
Melanie Ault, Eagle Gate College
Andres Castro, Eagle Gate College
Iris Popescu, Eagle Gate College
Timothy Danizi, Eagle Gate College
Brandon Hansen, Eagle Gate College

Kirt Wray PA, Eagle Gate College Rx Tech
Reid Barker, Utah Pharmacists Association
Michelle McOmber, Utah Medical Assn.

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

March 24, 2009 Minutes:

Connie Call,
Compliance Report:

Tom Harper
Controlled Substance Database Presentation

Mary Jo Cates Interview:

DECISIONS AND RECOMMENDATIONS

Motion passed to approve minutes with corrections.

Ms. Call presented the compliance report. The following individuals were in compliance with their Order: Andrea Lowry, Sheryl Ledet, Aidee Torres, Thomas Strebel, Phuong Sheffer, and Richard Lowe. The following people were non-compliant with their Order: Mary Jo Cates, Jennica Bringham, Mike Hodges, and Alfonzo Montano.

Mr. Harper presented information regarding the Controlled Substance Database (CSD) redesign process and daily reporting functionality. The Pharmacy Board members had several questions including the ability to have fields document the quantity and day's supply of medication prescribed; the process whereby a subordinate would be authorized to access the CSD; and how a licensed professional will obtain a PIN number or other unique identifier to access the databank. The Pharmacy Board would like to be able to identify people who are authorized to have access to the Database information by a quick click on the website rather than having to call someone. The Pharmacy Board also asked how the Database will handle staff working at multiple sites. There were a few technical questions asked and no one in attendance knew the answers. Mr. Harper offered to table the discussion until later in the day at which time he would return having obtained the answers.

Interviewed by Betty Yamashita. Ms. Cates had a positive employer evaluation. Ms. Cates missed a drug screen on March 2, 2009. Ms. Cates requested the Board terminate her direct supervision and allow her to have general supervision. Ms. Cates also would like to be allowed to order drugs and be allowed to meet with the Board bi-annually rather than quarterly. Ms. Cates' current request is tabled until she rewrites

her letter requesting the three amendments and submits a letter from her supervisor in support of her requests. **Ms. Cates is not in compliance with her Order.**

Sheryl Ledet Interview:

Interviewed by Roger Fitzpatrick and David Young. Ms. Ledet has been working fulltime since February 2009. Ms. Ledet requested she be allowed to work under general supervision rather than direct supervision. A motion was made by David Young to allow Ms. Ledet to work under general supervision, and seconded by Betty Yamashita. The Motion passed unanimously. **Ms. Ledet is in compliance with her Order.**

J. Michael Hodges Interview:

Interviewed by David Young. Mr. Hodges has completed the boundaries course and is still attending sex addiction classes. He is still attending group and individual therapy. The Board requested Mr. Hodges obtain a copy of the quarterly evaluations for the group therapy sessions. Mr. Hodges gave a verbal summary of what he has learned through his study of the boundaries course. Mr. Hodges failed to submit his 12 step SA class attendance on time and stated he would fax it to the Compliance Specialist. **Mr. Hodges is not in compliance with his Order.**

Jennica Bringhurst Interview:

Interviewed by Dominic DeRose Jr. Ms. Bringhurst brought in one therapy report and past employer reports stating she is not employed as a pharmacy technician. Ms. Bringhurst was instructed to notify her counselor that he needs to specifically address her depression in the reports he submits to the Pharmacy Board. Ms. Bringhurst admitted her mother assisted her in writing the required essay. Mr. DeRose suggested she make a decision by her next meeting with the Board whether she wants to continue this probation or surrender her license. Ms. Bringhurst was informed she could return to her school and ask for help obtaining employment. **Ms. Bringhurst is not in compliance with her Order.**

Scott Dale Harris Interview:

Interviewed by Derek Garn. This is Mr. Harris's initial interview. Mr. Harris gave a summary of the reason for his probation. Mr. Harris is aware what he did was illegal but feels he was morally correct. The

Board recommended Mr. Harris check with chain stores to find employment. Mr. Harris asked if the Order could be amended. Given this is his first meeting with the Board, and he is currently unemployed, Board members indicated it would be inappropriate to amend his Order at this time.

Discussion items:

Proposed Rule changes were reviewed and discussed. (Attached) A motion was made by Derek Garn to accept the changes to the Utah Pharmacy Practice Act Rules as proposed. Seconded by Betty Yamashita. Motion passed unanimous.

Kami Creer requested early termination of her probation. The Board tabled her request and will meet with her during their May 2009 meeting to discuss her request.

Thomas Strebel is requesting he be allowed to work for Dr. Scott Kimchee DDS and have this employment count toward his probation. Board members indicated he can work for this office, but he wouldn't be engaged in the practice of pharmacy and therefore the hours would not count toward his probation.

Ms. Poe requested three volunteers to sit on a panel to review proposals for online prescribing. The Division has received 4-5 requests from prescribing practitioners to be able to prescribe a limited number of medications based on an online comprehensive questionnaire. Roger Fitzpatrick, Dominic DeRose and David Young have volunteered to be on a review panel. Derek Garn volunteered to be an alternate.

Rosie Koehler – H.B. 15:

Ms. Koehler appeared before the Board to discuss the changes to the pharmacy technician programs at Salt Lake ATC and Salt Lake Community College due to the passage of H.B. 15.

As a result of H.B. 15 they will merge the Granite Technical Institute and Skill Center and call it the School of Applied Technology. As of July 1st they will be under SLCC, formerly ATC. Ms. Koehler reported nothing is changing with the program curriculum. The list of approved programs available on the website will be updated to reflect this change.

Tom Harper continued discussion regarding the Controlled Substance Databank:

Mr. Harper reported access to the CSD is tied to an individual's license number and can be used at multiple sites.

To obtain access and a PIN, a licensee would submit his/her driver's license number and professional license number. A pharmacy technician would need to be linked to the pharmacist, and the unlicensed subordinate would be linked to a licensed professional such as a physician. A subordinate would be charged a fee and submit to a criminal background check. Currently an individual would be charged with a Third Degree Felony and other administrative sanctions if the Database information is abused.

Mr. Harper asked if the Pharmacy Board feels the security is sufficient for the access to Controlled Substance Database. Roger Fitzpatrick moved to recommend to the Department of Commerce to move forward with the changes to the Controlled Substance Database access as proposed. The motion was seconded by Derek Garn and passed unanimously.

Richard Rasmussen requested to meet with Board members:

Richard Rasmussen with the University Pharmacy and Kort DeLost with the Medicine Shoppe/UPhA met with the Board to discuss dispensing and labeling medications prepared for use in a practitioner's office. The Board stated there is some confusion with the letter of the law and community practice. The Board explained the problem was related to the lack of a patient specific label as required by statute and dispensing a prescription labeled "for office use." A concern is the non-patient specific label and drug could be considered manufacturing which would require a Class A retail pharmacy to obtain additional licensure. A motion was made by Dominic DeRose Jr. to make changes within the definition of a patient to include a practitioner's name and "for office use only" on a label. Motion was seconded by Derek Garn and passed unanimously.

Adjourned:

2:36 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.

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Minutes
Pharmacy Board
April 28, 2009

June 23, 2009
Date Approved

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

June 23, 2009
Date Approved

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