

MINUTES

**UTAH
PHARMACY
BOARD MEETING**

June 23, 2009

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

Convened: 8:07 a.m.

Conducting: Roger B. Fitzpatrick, Chair

Bureau Manager: Laura Poe
Board Secretary: Shirlene Kimball

Division Staff: Ronda Trujillo, Compliance specialist
W. Ray Walker, Reg/Com officer

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

Guests: Linda Sandberg, Omnicare
Greg Jensen, Target Pharmacy
Laura Saleni, SavOn Pharmacy
Kelly Barland, SavOn Pharmacy
Diane Ogborn, SavOn Pharmacy
Shannon Gioeckeritz, SavOn Pharmacy
Shawna Hanson, SavOn Pharmacy
David Cheney, SavOn Pharmacy
Tina Aramaki, Intermountain Healthcare
Jaime Peterson, Walgreens
Cheryl Owens, Target/student
Hon Lucng, Walgreens
Erica Bushnell, U of U College of Pharmacy

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

April 28, 2009 Minutes:

The April 28, 2009 minutes were approved with

corrections.

May 26, 2009 Minutes:

The May 26, 2009 minutes were approved with corrections.

Ronda Trujillo,
Compliance Report:

Ms. Trujillo reported the following probationers were in compliance with their Order: Stapley Pharmacy, S. Rich Wright, Phuong Vo Sheffer, Richard Lowe, Chad Smith and Alfonso Montano.

The following probationers were non-compliant with their Order: Cameron Tolley, Diann Millikan, Aidee Torres and Jennica Bringhurst.

Mark Munger, University of Utah
Tina Aramaki, Intermountain Health,
To discuss the preceptor rule regarding two or more years of licensed experience:

Dr. Munger and Dr. Aramaki met with the Board to discuss the preceptor rule regarding two or more years of licensed experience. Dr. Munger stated it is a University of Utah policy that the primary preceptor is a qualified preceptor according to the Pharmacy Practice Act and that the primary preceptor has oversight responsibility for the clerkship including evaluation, grading and meeting educational requirements. However, the primary preceptor may not be available at all times during the clerkship and the policy allows a "non-qualified" preceptor (doesn't meet the two years of licensed experience) to oversee the student for periods of time during the clerkship as long as the major oversight remains with the primary preceptor. Dr. Munger requested input from the Board regarding this policy. Dr. Aramaki explained the primary preceptor develops and is responsible for the experience plan. The student may work with many different pharmacists to complete those experiences. Mr. DeRose questioned if the qualified preceptor and the other preceptor communicate with each other regarding the student. Dr. Aramaki stated yes. Mr. Fitzpatrick stated this situation occurs on a daily basis in any work setting. The student usually works with more than one preceptor during the 6 week rotation. Ms. Yamashita stated it is a good learning experience for the student to move from one rotation site to another.

Mr. Fitzpatrick stated he would like the minutes to reflect that the Board is fully supportive of the policy as long as there is a qualified preceptor who meets the

criteria and takes the responsibility to make sure the individual is meeting the experience criteria.

Board members agree that as long as there is a qualified preceptor who develops the experience plan and provides general supervision, the “non-qualified” preceptor can directly oversee the student for a period of time.

Rules Hearing – 9:00 a.m.:

The Rules Hearing was held. Judge Eklund conducted the Hearing.

Evan Stapley - Stapley Pharmacy,
Telephone probation interview:

Mr. Fitzpatrick conducted the interview. Mr. Stapley reported things are going very well and the pharmacy is following the established policies and procedures. Mr. Beasley’s report was positive and Mr. Stapley stated they are not compounding in the pharmacy. **Stapley Pharmacy is in compliance with the terms and conditions of probation.**

Phuong Vo Sheffer,
Telephone probation interview:

Mr. DeRose conducted the interview. Mr. Sheffer stated he is in the process of moving to Utah, but goes back and forth to Nevada to take care of his mother. He stated he is not working in Nevada and is looking for employment in Utah. He stated he has not talked with the Nevada Board of Pharmacy and was waiting to see if he could get his case cleared before speaking with them. Mr. Sheffer stated his intent is to work in Utah and questioned what his options were. Mr. DeRose stated he has a Stipulation and Order to follow and needs to remain in compliance with the Order. Mr. DeRose stated that if Mr. Sheffer is moving back to Utah, he would not want to surrender his license. If he is going to stay in Nevada, he would need to work with the Nevada Board. Mr. DeRose stated Mr. Sheffer will need to find employment or the probation period is extended for time not working. Board members requested Mr. Sheffer meet with the Board face to face at the August meeting. Board members indicated Mr. Sheffer needs to think very seriously before he surrenders the license. **Mr. Sheffer is in compliance with the terms and conditions of his Order.**

Aidee Torres,
Telephone probation interview:

Dr. Lundberg conducted the interview. Ms. Torres reported her baby is due in September and that her

work is going well. She indicated she faxed in her essay in May. However, it is not in the file and she stated she will refax it to the Division. Ms. Torres reported she had some dental work done and submitted copies of her prescriptions. Ms. Torres stated she missed one urine screen because her account was on hold due to financial reasons. Dr. Lundberg informed Ms. Torres that she had two urine screen results that came back positive for alcohol. Ms. Torres indicated there was no way that was possible. She stated she does not drink alcohol and does not use any over the counter medications with alcohol. Board members reviewed the evaluation which indicated Ms. Torres did not need to complete a substance abuse treatment program. However, Board members are concern with the two positive urine screens. Dr. Lundberg suggested Ms. Torres complete another evaluation by a different evaluator and in the interim she would need to attend 12-Step meetings. Board members requested the evaluation be sent to the Board by the end of August and have her meet with the Board face to face in October. Ms. Torres stated she understands the Boards concern, however, denies using alcohol. **Ms. Torres is out of compliance with the terms and conditions of her Order for the positive urine screens and one missed urine screen.** (On further review of the test results it was determined that the urine screen was positive for a low amount of ethanol and negative for ETG which is indicative of alcohol consumption. No further action is needed).

Trent Decker,
New Order:

Mr. Garn conducted the interview. Mr. Decker explained the circumstances that brought him before the Board. He stated he has been clean 2 ½ years. He stated he understands the terms and conditions of his Order. He stated he has not attended PIR meetings because he received the Order 10 days ago and has not had time to find a PIR meeting. Mr. Decker indicated he covers for a pharmacist in a Caliente Nevada pharmacy about twice a month and requested approval to work extra hours (more than 48 hours but less than 60) during the first week of July. His Order allows him to cover for this pharmacist and work up to 60 hours per week if he receives prior approval from the Board. Ms. Poe indicated the Board would not approve the request if he makes it every week, but on a

periodic basis, he would receive approval. Mr. Decker stated he has completed aftercare, likes the 12-Step meetings, but has only been attending once or twice a month. He stated he understands he will need to attend more meetings and find a sponsor. He reported he has good support system from family and friends. Mr. Decker stated he fills his prescriptions at his place of employment because his insurance requires he fill the prescriptions there. Board members indicated he needs to be cautious and reminded him that he can not fill his own prescriptions. **Mr. Decker is in compliance with the terms and conditions of his Order. He will meet with the Board in September and if he remains compliant, he could meet by telephone in December.**

Richard Lowe,
Quarterly probation interview:

Dr. Lundberg conducted the interview. Mr. Lowe stated he is doing very well. He indicated he completed the Thinking Errors course. He stated the course taught him to think about actual outcomes and expected outcomes so they match and no mistakes are made. He reported he continues to work at Walgreens and still needs to complete four hours of continuing education. Mr. Lowe will need to submit documentation of completion of the Thinking Errors course and Board members agree this will be accepted toward the ethics course he needed to complete. He will be seen again in September. **Mr. Lowe is in compliance with the terms and conditions of his Order.**

Chad Smith,
Final probation interview:

Dr. Lundberg conducted the interview. Mr. Smith stated he is doing very well and working hard. He indicated he has a good relationship with his employer and his family is doing well. The employer evaluations have been good and Mr. Fitzpatrick made a Motion to terminate probation as of today. Mr. Young seconded the Motion. Mr. Garn abstained. All other Board members in favor of the Motion. Ms. Poe indicated it will take several days to complete the paperwork and have the probation terminated. **Mr. Smith is in compliance with the terms and conditions of his Order.**

Discussion items:

Report from David Young regarding the
NABP Annual Meeting:

Mr. Young reported on the NABP Annual Meeting. He indicated the following Resolutions passed: 1). Electronic Prescribing – Software Standards and Data Storage. This resolution will allow the NABP to convene a task force to evaluate current electronic transmissions and to develop standards for software and systems and to review the current requirements for the storage of hard copy prescriptions. 2). Over-prescribing and Excessive Use of Controlled Substances and other prescription medications. This resolution will allow NABP to continue its efforts through a task force and consumer awareness programs to address issues such as medication disposal and consumer education concerning prescription drugs and abuse and to urge prescribers to reduce the incidences of over-prescribing and pharmacists to assist in reducing the excessive use of prescription medications. 3). Valid Patient-Practitioner Relationships. The Model State Pharmacy Act and Model Rules of the NABP defines valid patient-practitioner relationship as a patient having a medical complaint, a medical history has been taken, a face-to-face physical examination adequate to establish the medical complaint has been performed by the prescribing practitioner or in the instances of telemedicine through telemedicine practice approved by the appropriate Board and a logical connection exists between the medical complaint, the medical history and the physical examination. The exception to the face-to-face physical exam would be with expedited partner therapy or through a public health clinic approved by the State in order to prevent or treat a pandemic illness, etc. 4). Define Administrative Officer. This resolution defines an administrative officer as the individual appointed to serve as the director of a board of pharmacy and to clarify that each board may have only one administrative officer/executive director within the governance of NABP. 5). Board of Pharmacy Approval of Pharmacy Technician Educational and Training Programs. Mr. Young indicated this topic had a lot of debate. The resolution was to have NABP assist and encourage state boards of pharmacy to evaluate and approve training programs in their states. It also would have NABP convene a task force to review existing state requirements for educational and training programs

and national accrediting organizations such as the American Society of Health-System Pharmacists and the Accreditation Council for Pharmacy Education, core competencies and to recommend national standards for technician education and training programs to be considered by Boards of Pharmacy. 6). Develop a Task Force to Research Various PMP Programs and Recommend Standards or Model Rules. This Resolution was to have NABP commission a task force to review existing prescription monitoring programs (PMPs) and the current language in the Model Practice Act regarding PMPs and identify for member boards where variations among programs exist and encourage states to adopt language and standards to provide uniformity.

The Resolution that did not pass was Researching the Development of an Ethics Course for licensees. The resolution was that NABP review medical and legal ethics courses and evaluate the feasibility of developing such a course for pharmacy and then review the Model Practice Act to require pharmacists to complete an ethics course as part of mandatory continuing education requirements. Mr. Young stated it was disappointing that this resolution did not pass.

Granite Technical Institute,
Pharmacy Technician Program requests:

Mr. Cortes reported on the Granite Technical Institute pharmacy technician program request. Mr. Cortes stated the program offers a good program in pharmacology and calculations and has excellent laboratories. The didactic guidelines and supervision are very good; but it does not address fully the Utah Pharmacy Practice Act and Rules. GTI will need to add in questions to the final examination regarding over the counter medications and include questions regarding Utah law. Clarification is needed regarding supervision at the pharmacy and supervision in the externship portion of the program. They will also need to provide verification of the externship tasks and functions at the pharmacy. The program will not be approved until this information is received.

Michael Jarman,
Application review:

Mr. Jarman submitted an application for licensure with yes answers on numbers 23, 25, 26, 27 and 28 on the qualifying questionnaire. Ms. Poe presented a history overview and indicated Mr. Jarman provided a lengthy

narrative and court documentation. She reported Mr. Jarman completed a pharmacy technician program and it appears he did well in the program. His criminal history begins February 1999 when he reported a friend of his stole cigarettes and beer and blamed it on him. He entered a Plea in Abeyance and was required to complete the Prime for Life Course (he did not complete the course) and pay a fine. In April 2000 he reported a police search of his car found a passenger with marijuana. Mr. Jarman was the driver and owner of the vehicle and pleaded guilty to possession. In December 2008 he tested positive for ETG and was placed on probation for violation of the terms of the Plea in Abeyance. This time he completed the Prime for Life Course. He claims he was not directly responsible for the three convictions. In January 2009 he was charged with internal possession of marijuana. A Motion was made to issue a two year probationary license with the standard terms and conditions, an evaluation to determine if additional treatment is needed, and require a Thinking Errors Course. The Motion was seconded. All Board members in favor.

Board expressed appreciation to Betty Yamashita and Edgar Cortes:

This is Ms. Yamashita's last Board meeting as a Board member. It has not been determined if Mr. Cortes will be reappointed. Board members expressed appreciation to Ms. Yamashita and Mr. Cortes for their dedication, service and experience they brought to the Board.

Discussion regarding November Board meeting:

The November Board meeting will be canceled.

Adjourned:

11:50 a.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.

July 29, 2009
Date Approved

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

July 29, 2009
Date Approved

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