

MINUTES

**UTAH
PHARMACY
BOARD MEETING**

August 24, 2010

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

Convened: 8:04 a.m.

Conducting: Dominic DeRose, Chair

Bureau Manager: Laura Poe
Board Secretary: Shirlene Kimball
Compliance Specialist: Connie Call

Board Members Present: Derek Garn, R.Ph.
Dominic DeRose, R.Ph.
Kelly Lundberg, PhD public member
Jan Bird, Pharmacy technician
Andrea Kemper, Pharm D
David C. Young, R.Ph (by telephone).
Gregory Jones, R.Ph.

Guests: Linda Sandberg, Omnicare
Betty Yamashita, IHC
Reid Barker, UPhA
Sara Hiller, Resident, University of Utah Hospital
Greg Jensen, Target Pharmacy
Justin Palfreyman
David Mooso, University of Utah
Robert Hansen, Wal-Mart
David Cheney, Associated Foods
Leah Ann Lamb, UT Dept of Environmental Quality

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

July 27, 2010 Minutes:

Jared Cash,
PCMC:

DECISIONS AND RECOMMENDATIONS

Dr. Lundberg made a Motion to approve the minutes with corrections. Mr. Garn seconded the Motion. All Board members in favor.

Mr. Cash invited the Board to a CME course that will be offered on September 23, 2010 in the Heber Wells

Building, room 403, 160 East 300 South, Salt Lake City Utah, from 3:00 p.m. to 5:00 p.m. Mr. David Marx, just culture expert, will be the speaker. Just culture refers to a way of safety thinking and fosters both personal accountability and incorporates self-regulation in safety matters and where the line must be drawn between acceptable and unacceptable behavior. Mr. Young reported Mr. Marx spoke at the NABP convention and indicated he is a very good speaker.

Connie Call,
Compliance Report:

Ms. Call reported Susan Macon and Melynda Frohlich are out of compliance with the terms and conditions of their orders.

Ms. Call reported the following individuals are in compliance with the terms and conditions of their Order: Katherine Irons; Thomas Strebel; Scott Harris; Williams Family Video; James Bee and William Cordova.

Scott Harris,
Telephone Interview.

Mr. Harris was contacted for a telephone interview. Mr. Harris reported he has not found employment as a pharmacist; however, he stated he has not been actively seeking employment. Mr. Harris stated he wants to keep his license and will continue to submit the required paperwork. He will contact Ms. Call if he finds employment. **Mr. Harris is in compliance with the terms and conditions of his Order.**

Williams Family Video,
Probation Interview:

Mr. Williams stated things are going well. Board members reviewed his updated policies and procedures. The policies and procedures address the questions from the last meeting and were accepted. Mr. Williams stated he has made several changes regarding security. He indicated he has a separate room, which is not accessible to the public, where older records are kept. He indicated current records are kept in the pharmacy. Mr. Williams will be seen December 12, 2010. **Mr. Williams is in compliance with the terms and conditions of the Order**

Mr. Jones,
Discussion:

Mr. Jones had a question regarding splitting prescriptions. This issue was in regards to a patient who comes into the pharmacy, the insurance won't pay for the full prescription, the prescribing practitioner does not know if the insurance will pay for

it, but the prescribing practitioner wants the prescription dispensed as written. It was reported that the DEA provided clarification that a controlled substance prescription could not be split. Ms. Yamashita stated that if the pharmacy does not have enough medication to fill the prescription, the prescription could be split. However, it has to be completely filled within 72 hours of dispensing the first portion of the prescription.

Thomas Strebel,
Probation Interview:

Mr. Strebel stated the Rule change regarding the pharmacy technician ratio cost him his job because his name is on the OIG list for another three weeks and he can not be a supervising pharmacist. He stated he has looked for employment in Utah and Southern Nevada and is hoping he will be able to find employment after his name is taken off the OIG list. He reported he last worked August 13, 2010. He will be seen in February 2011 unless he requests an earlier meeting. **Mr. Strebel is in compliance with the terms and conditions of his Order.**

James Bee,
Probation Interview:

Mr. Bee was interviewed by telephone. Mr. Bee indicated he has not been able to find steady employment, and is only working a few hours per month. His practice plan was reviewed and approved. Mr. Bee requested clarification regarding his Order. His Order indicates that if he is not employed 60 days, his probation time stops and is not counted. In a different section of the Order it states that if he is employed, but doesn't work at least 60 hours per month, the time isn't counted. He stated he is having difficulty finding work and does not work 48 hours every month. Ms. Bird made a Motion to allow Mr. Bee 60 days whether employed or unemployed before the probation time is suspended. Mr. Garn seconded the Motion. All Board members in favor. Board members suggested he contact the Free Clinic in St. George to see if they need volunteers. Board members indicated teaching the patient at the Free Clinic about samples would be considered the practice of pharmacy. Mr. Bee will be seen again December 14, 2010. **Mr. Bee is in compliance with the terms and conditions of his Order.**

William Cordova,

Mr. Cordova was reminded he needs to put more

Probation interview:

thought into his self-assessment report instead of just changing the date on the reports he submits. Mr. Cordova is not currently employed. **Mr. Cordova is in compliance with the terms and conditions of his Order.**

Heather Palmer,
New Order:

Ms. Palmer explained the circumstance that brought her before the Board. Ms. Palmer stated she understands the terms and conditions of the Order. She questioned whether or not she could have her urine screens decreased while she is participating in drug court and if she can attend additional 12-step meetings in lieu of PIR meetings. Board members indicated since there are no PIR meetings in the Ogden area she could attend additional 12-step meetings. Ms. Palmer will be scheduled to meet with the Board again in December 2010. **Ms. Palmer is in compliance with the terms and conditions of her Order.**

Melynda Frohlich,
New Order:

Ms. Frohlich did not appear for her scheduled interview. She will be scheduled for next month. **Ms. Frohlich is out of compliance with the terms and conditions of her Order.**

Leah Ann Lamb,
Department of Environmental Quality:

Ms. Lamb met with the Board of Pharmacy and gave a presentation on an environmentally safe prescription medicine disposal program. She indicated she is interested in studying the issue of allowing pharmacies in Utah to take-back unused medications, except controlled substances, for ultimate destruction using a reverse distributor. Board members expressed interest in addressing the issue during future meetings.

Tom Harper,
Follow-up regarding Controlled Substance
database:

Mr. Harper presented follow-up information regarding the controlled substance database.

Continued discussion regarding possible rule
changes:

Tabled.

Review e-mails received regarding pharmacy
issues:

Ms. Poe reported she received an e-mail from Andrew Buckley, LDS outpatient pharmacy regarding the possibility of establishing a satellite pharmacy at a physician's office. Board members suggested Mr. Buckley meet with the Board to discuss this request.

Review USP 797 inspection form: Tabled.

Discussion regarding Controlled Substance
Handler license versus Class E Pharmacy
license: Tabled.

Michael Jarman,
Order to Show Cause Hearing: Mr. Jarman signed a surrender document and the OSC
Hearing was canceled.

Adjourned: 12:55 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 28, 2010
Date Approved (ss) Dominic DeRose
Dominic DeRose, Chairperson, Utah Pharmacy
Licensing Board

September 28, 2010
Date Approved (ss) Laura Poe
Laura Poe, Bureau Manager, Division of Occupational
& Professional Licensing