

MINUTES

**UTAH
PHARMACY BOARD
MEETING**

August 23, 2011

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

CONVENED: 8:00 a.m.

ADJOURNED: 12:20 p.m.

**Bureau Manager:
Board Secretary:**

Dave Taylor
Shirlene Kimball

Conducting:

Dominic DeRose, R.Ph Chairman

Board Members Present:

Dominic DeRose, R.Ph
Kelly Lundberg, PhD public member
Jan Bird, CPhT, pharmacy Technician
Greg Jones, R.Ph
Derek Garn, R.Ph
David Young, Pharm D

Board Members Excused:

Andrea Kemper, Pharm D

DOPL Staff Present:

Connie Call, Compliance Specialist

Guests:

Kib Mickelson
Edger Cortes
Adam Webster
Linda Sandberg, Omnicare
Greg Jensen, Target
Jaime Peterson, Walgreens
Morgan Webber, Eagle Gate college
Donna E. Didus, University of Utah
David Nay, Medco
Scott Williams, Family Drug
Sam Haddabin, Associated Food Stores
Shawna Hansen, Associated food Stores
Paige Patterick, Smiths Food and Drug
Craig Bernston, United Way Volunteer Clinic
James Ruble, Simplify RX
Joe Eyring, Simplify RX
Beck Doman, IHC
Missy Duke, IHC

Rich Bucher, IHC
Dave Davis Retail Merchants Association
Reid Barker, UPhA
Roger Fitzpatrick
Betty Yamashita, IHC

TOPICS FOR DISCUSSION

July 26, 2011 Minutes:

Connie Call, Compliance report:

Affinityhealth,
New Drug Screening Company:

Williams Family Video,
Scott Williams – Probation Interview:

Sheryl Ledet, Probation interview:

DECISIONS AND RECOMMENDATIONS

Mr. Jones made a Motion to approve the July 26, 2011 minutes with corrections. Ms. Bird seconded the Motion. All Board members in favor.

Ms. Call reported Heather Palmer is out of compliance due to a late employer report. Diann Millikan has missed checking in with the drug testing company four times this month and her urine screens in June and August were dilute.

Ms. Call reported that Affinityhealth has signed a contract with the Division and will begin drug testing probationers August 1, 2011. Ms. Call stated the new system will allow probationers to input their own reports and prescriptions into the system. The probationer will be required to call into the system between 5:00 a.m. and noon and the probationer will be able to look up and find testing sites and addresses. Ms. Call reported the company will charge an additional \$5.00 and the collection site increase is approximately \$10.00, depending on the collection site. The total cost for the urine screen will be approximately \$75.00 to \$80.00 per test.

Mr. Williams reported things have been going well. He stated he has added to his policy manual a policy regarding the use of the computer that is located by the pharmacy. He indicated the computer can not be used if the pharmacist is not there. Mr. Williams also indicated they are now asking for identification for all controlled substance prescriptions and have a copy of the ID on file. **Mr. Williams is in compliance with the terms and conditions of his Order.** His next meeting with the Board will be December 20, 2011. An inspection will need to be conducted prior to the termination of probation.

Ms. Ledet is in compliance with the terms and

conditions of her Order. Ms. Ledet indicated she is entering her prescriptions into the Affinityhealth system and stated she likes the new system. Ms. Ledet informed the Board she is changing work places and will move from the Smith's in Salt Lake to the Smith's in Sunset. She indicated her hours will drop from 40 hours per week to 30 hours per week; however, she will be closer to home. Ms. Ledet indicated she will have a new supervisor as well as a new regional manager and they have seen a copy of her Order. Board members indicated that since the position is with the same company, she will not need to submit a new practice plan. She questioned whether or not she needs to conduct an ending inventory at the old store. Mr. Garn stated it would not be necessary, but to protect her, it would be a good idea. **Ms. Ledet is in compliance with the terms and conditions of her Order.** She will be seen in October.

Suresh Boodram,
New Order:

Mr. Boodram explained the circumstances that brought him before the Board. He indicated he took medication from the pharmacy for his wife, but thought that the physician had called in a refill when there had not been a refill authorized. Mr. Boodram submitted an evaluation that indicated he does not have a chemical addiction. Janiece Pompa will be conducting the psychological evaluation. Dr. Lundberg stated the Board needs some assurance that he is addressing the reason why he is before the Board. Board members suggested he may want to complete a Thinking Errors Class, but it is not required by the Order. **Mr. Boodram is in compliance with the terms and conditions of his Order.** Board members indicated they would like to meet with him again next month after the evaluations are completed to determine what he will need to do. Since he does not have a substance abuse problem, he may not be required to submit to urine screens or to attend 12-Step meetings. Mr. Boodram stated he may be leaving the country for a short period of time and will let Ms. Call know if he will be available for the next meeting. If not, he will meet with the Board in October.

James Bee,
Telephone Interview:

Mr. Bee indicated he is working 12-48 hours per month depending on where he is needed. He indicated he had been working for Ready and Able, a temporary

placement agency for pharmacists; however, he works mostly at IHC. Mr. Bee's Order does not restrict him from working at a temporary placement agency. Mr. Bee indicated last quarter he worked one day at Harmons, and also for Stapley Pharmacy and at IHC pharmacy. Board members indicated they need to know exactly where he is working and have each supervisor fill out the forms. He stated Richard Nelson at the temporary agency has been filling out his supervision forms. However, the supervisor has not provided much information regarding Mr. Bee's job performance. Dr. Lundberg stated the Board needs to be sure that each pharmacy where he works is notified of his Order and restrictions before he fills in. The supervisor report from Ready and Able will be acceptable as long as the supervisor provides a more detailed supervisor report than he has been providing.

Mr. Bee questioned whether or not taking the MPJE examination counted for the live CE hours. Board members indicated no, he has to do the live hours.

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

David Barrow,
Request to meet with the Board:

Mr. Barrow requested a meeting with the Board to discuss his probation. Mr. Barrows stated he feels he is ready to have his probation lifted. Mr. Barrow stated he has an opiate addiction, is actively working sobriety and understands this will be a life long process. He stated he has been on probation two years and has been sober since September 6, 2009. Mr. Barrow stated he attends as many 12-Step meetings as he can and speaks to groups regarding his addiction. He stated he would be willing to continue drug testing and do a personal probation if the Board would consider terminating the probation on his license. Dr. Lundberg stated there is not an option for personal probation and he does not qualify for the Diversion program. Dr. Lundberg indicated Mr. Barrow has only been on probation for two and ½ years and the Board doesn't typically consider termination this early. However, he can make his request at anytime and the Board would consider the request. The Board would look at how compliant he has been and how he has handled his addiction. Dr. Lundberg stated that she would be on the fence if he makes his

request at this time. She indicated she would like to be cautious and part of the process is to protect the public. Dr. Young suggested Mr. Barrow submit a letter outlining what changes he has made, why the probation should be terminated, what he has learned from the experience and where he is at in his recovery. However, he will not be able to terminate the probation until the fine has been paid. He will be scheduled next month if the Division receives this information. **Mr. Barrow is in compliance with the terms and conditions of his Order.**

Heather Palmer,
Probation Interview:

Ms. Palmer reported things are going well. **Ms. Palmer is in compliance with the terms and conditions of her Order with the exception of late employer reports. However, her supervisor was out of town and the reports have been submitted.**

Diann Millikan,
Probation Interview:

Ms. Millikan and her supervisor, Craig Winston, Pharmacy Director at Utah State Hospital met with the Board to explain what has been happening this last quarter. Ms. Millikan stated she has had a number of health problems which has increased her anxiety. Ms. Millikan indicated she will be starting counseling at Cornerstone focusing on relationship related issues. She stated she is also considering taking the Thinking Errors Class.

Board members questioned why Ms. Millikan missed four urine screens and has had several dilute urine screens. She stated it was due to her medical issues. Dr. Lundberg stated it is good that she can recognize that she is struggling and had set a goal for obtaining help and with support she will be able to move herself forward. Ms. Millikan stated since she has been sick she has only been working limited hours, 3-4 per week and has not been able to do her volunteer work at hospice. Dr. Lundberg indicated she needs to focus on herself before she can focus on others. Mr. Winston stated he feels Ms. Millikan is doing very well in her job and is very supportive. **Ms. Millikan is out of compliance with the terms and conditions of her probation.** At her request, she will be seen again next month.

David Abrams,

Ms. Call reported Mr. Abrams contacted her and will

New Order:

not be meeting with the Board. Ms. Call stated Mr. Abrams indicated he can not find employment and would like to surrender his license. Ms. Call reported the Division will prepare a surrender document for his signature

Layne Kilpatrick,
Practice Plan:

Mr. Garn made a Motion to approve the practice plan submitted by Layne Kilpatrick. Mr. Jones seconded the Motion. All Board members in favor.

Evan Stapley,
Termination of Probation:

Mr. Garn made a Motion to terminate the restrictions on the license of Evan Stapley. Dr. Lundberg seconded the Motion. All Board members in favor.

David Young,
Report on MPJE Item Review:

Dr. Young reported on the MPJE item review. Dr. Young indicated the report will be submitted to NABP today.

Discussion regarding extension of Pharmacy
Intern License:

Mr. Taylor discussed with Board members extending Pharmacy Intern licenses. The rules allow for an extension of the intern license upon approval of the Board. Mr. Taylor questioned if the Division could approve or deny these requests or if the Board wanted to see the requests before a decision was made. Mr. Taylor stated the Division could extend the license if the individual needed to obtain additional intern hours to meet the intern hour requirement. Mr. Garn stated it would be reasonable to have the Division extend the license for 6 months and then at that point, have the individual brought before the Board. The intern license can be extended once.

Physician Pharmaceutical Services/
SimplifyRX,
Jim Ruble,
Dr. Joe Eyring:

Mr. Ruble and Dr. Eyring met with the Board to discuss the business model for SimplifyRx. Mr. Ruble stated Physician Pharmaceutical Services was issued a Pharmacy Class A license April 2011. The PIC is B.J. Edwards.

Mr. Ruble stated their business model and objective is to streamline the process beginning with the authorization of a medication therapy by a physician and incorporating the delivery of the medication quickly and safely to the patient. Dr. Eyring explained that some states allow physicians to dispense out of their offices. However, in Utah, Dr. Eyring stated they would not be dispensing through the physician office.

The pharmacy will operate as a retail pharmacy and will provide medication therapy management (MTM) services for every prescription written. The emphasis will be placed on technology and integrating pharmacy with the health management system. Dr. Eyring stated this is beneficial to the patient by decreasing the cost, decreasing errors and improving outcomes. The patient sees the physician, a prescription is written, the prescription is received by the pharmacy, the pharmacy provides MTM services, fills the prescription and the medication is then delivered to the patient's door. Dr. Eyring stated there is no kickback to the physician, everything is strictly legal. If a patient wants to use a different pharmacy, they can choose to do so by opting out when signing into the clinic/doctors office. If the patient does not opt out, they are automatically enrolled. Board members expressed concern that only initial prescribing is taking place in the physician office. Mr. Garn stated it also appears that the physician is sending the patient to only one pharmacy. Dr. Eyring stated that the patient makes the choice. The patients are notified of their patient rights when checking in to the physician office and can choose to opt out and take the prescription to their local pharmacy. There is no physician compensation other than the reduced cost, there are no benefits going to drug suppliers, and if the medication is returned, it is sent to another country to be destroyed. Board members questioned the process of tracking unused medications that are returned and whether or not these medications are safe when they are returned. Dr. Eyring stated that the packaging is similar to the way Long Term Care provides medications.

Mr. Ruble and Dr. Eyring stated they appreciated the Board's time. Mr. Ruble and Dr. Eyring stated they wanted to clarify that they are not dispensing in physician offices and that the pharmacy abides by each State law. Mandatory counseling is provided either online or by calling on the telephone. Board members stated this model sounds like a mail order pharmacy, not the MTM model. Board members indicated it may be necessary to define MTM. Board members also expressed concern with the doctor/patient relationship.

Tom Strebel,
Probation Interview:

Mr. Strebel requested his probation be terminated. Mr. Strebel has completed everything associated with the probation and has been in compliance with the terms and conditions of his Order. He indicated he takes full responsibility for his actions. Mr. Strebel's probation is scheduled to terminate in 2014. Mr. Strebel had requested termination of probation last year and the Board had approved the request. However, the Division felt Mr. Strebel had not completed enough time on probation and denied the request. Mr. Strebel was told he could request termination again in one year. Mr. Garn made a Motion to recommend termination of probation. Ms. Bird seconded the Motion. All Board members in favor.

Review Pharmacy Technician Training program:

Ms. Bird will review the Pharmacy Technician training program submitted by Gibson Pharmacy and report to the Board next month.

Board meeting change in starting time:

Mr. Taylor reported that starting with the September 27, 2011 Board meeting, the Board meeting will begin at 8:30 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.

September 27, 2011
Date Approved

(ss) Dominic DeRose
Dominic DeRose, Chairperson,
Pharmacy Licensing Board

September 27, 2011
Date Approved

(ss) Dave Taylor
Dave Taylor, Bureau Manager,
Division of Occupational & Professional Licensing