

## MINUTES

### UTAH PHARMACY BOARD MEETING

September 27, 2011

Room 474 – 4<sup>th</sup> Floor – 8:30 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111

**CONVENED:** 8:27 a.m.

**ADJOURNED:** 12:20 p.m.

**Bureau Managers:**

Debra Hobbins, DNP, APRN, LSAC  
Dave Taylor

**Board Secretary:**

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  
Andrea Kemper, Pharm D

**DOPL Staff Present:**

Connie Call, Compliance Specialist  
Mark Steinagel, Division Director  
Ray Walker, Compliance Officer

**Guests:**

Reid Barker, UPhA  
Linda Sandberg, Omicare

#### **TOPICS FOR DISCUSSION**

Introduction of Dr. Debra Hobbins,  
New Bureau Manager:

August 23, 2011 Minutes:

#### **DECISIONS AND RECOMMENDATIONS**

Mr. Steinagel introduced Dr. Hobbins to Board members. Mr. Steinagel stated Dr. Hobbins will be a great asset to the Division and the Board. Dr. Hobbins provided Board members with a brief background. Board members welcomed Dr. Hobbins.

Dr. Lundberg made a Motion to approve the August 23, 2011 minutes with corrections. Dr. Kemper seconded the Motion. All Board members in favor.

Connie Call, Compliance report:

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their probation: Paul Martz for late paperwork and Dennis Beasley for no therapy report.

Brent McFadden,  
Telephone probation interview:

Mr. McFadden reported things are going well. He indicated the pharmacy appears to be doing well and he has been teaching diabetic classes. Mr. McFadden indicated the pharmacy is still working with the DEA to obtain a DEA license. **Mr. McFadden is in compliance with the terms and conditions of his Order.** His next interview with the Board will be scheduled for December 2011.

Dennis Beasley,  
Telephone probation interview:

Mr. Beasley reported his sobriety date is September 19, 2010. He indicated he has completed all requirements associated with the court Order. Mr. Beasley stated he is attending 12-Step meetings and sees his therapist once a month. Mr. Beasley stated he is aware that his pharmacist license is suspended and that he can not work as a pharmacist. Mr. Beasley reported he had surgery last month and stated he was able to tolerate the pain without having to take pain medications. Mr. Beasley failed to submit his therapist report and is not making payments on his fine. Mr. Beasley indicated he will check with the therapist to find out why the report was not submitted. He also stated he is having a hard time financially, but he will pay the fine eventually. **Mr. Beasley is out of compliance with the terms and conditions of his Order.** He will be seen again December 2011.

David Abrams,  
New Order:

Mr. Abrams explained the circumstances that brought him before the Board. Mr. Abrams stated he does not understand why he had disciplinary action taken against his license. He stated he was not aware of the issues with the HCG or the unlicensed pharmacy technician that was outlined in the Order. Mr. Abrams also stated the compounding pharmacy he worked for was doing the same business the same way as other compounding pharmacies. He questioned why was it okay for the other pharmacies but not for them? Dr. Lundberg questioned where his responsibility was in all this? Mr. Abrams stated he is not sure what his responsibility is. Mr. Jones stated Mr. Abrams

signed the Order and now the Board's role is to oversee the probation and to protect the public. Mr. Abrams stated he had considered surrendering his license; however, has decided not to surrender the license. Mr. Abrams also indicated he is having a very difficult time finding employment. He stated at this point, he doesn't think he will find a job while he is on probation. Mr. Abrams indicated he has not completed the live continuing education required for renewal and requested an extension. Board members indicated he has had two years to complete the renewal requirements and will not grant an extension. Board members indicated webinars would be accepted. **Mr. Abrams is in compliance with the terms and conditions of his order.**

Suresh Boodram,  
Probation interview:

Mr. Boodram did not appear for the interview. He had indicated that he may be out of the country; however, Ms. Call reported he is in the country, but could not meet with the Board due to having to take a phone call. Mr. Boodram's evaluation was reviewed by Dr. Lundberg. The evaluation stated Mr. Boodram does not have a substance abuse problem. Dr. Lundberg stated she is concerned that Mr. Boodram failed to provide the evaluator with a copy of the Stipulation and did not provide all the information that led to his probation. She suggested that future Stipulations require a Thinking Errors Class at the Board's discretion for those who do not have substance abuse issues. It appears that he is clearly avoiding the responsibility and wants to end the probation early. Dr. Young stated he is fine with not requiring 12-step meetings, but would like him to attend a Thinking Errors Course. Board members reviewed the Order which states if the evaluation indicates no substance abuse problem, the following sections of the Order do not apply: h, i, k, l, m, n, o, r, s. Mr. Taylor indicated that from the wording in the Order, the Board can require additional requirements as indicated in section g. Board members indicated they will require Mr. Boodram to attend a Thinking Errors Class or a Cognitive Restructuring course. Board members will need to approve the course once he has found one he can attend. Mr. Boodram requested his probation be reduced. Board members indicated they will not consider the request until he is present and presents the

request in writing. **Mr. Boodram is in compliance with the terms and conditions of his Order.** He will be re-scheduled for October 25, 2011.

Meeting closed:

Ms. Bird made a Motion to close the meeting in accordance with 52-4-205(1(a) to discuss the character, professional competence, or physical or mental health of an individual. Dr. Kemper seconded the Motion. The meeting was closed at 10:40 a.m.

A Motion was made to open the meeting. The meeting was opened at 10:45 a.m.

Diann Millikan,  
Probation interview:

Dr. Lundberg made a Motion to approve Ms. Millikan's leave of absence request for one month. If she needs an extension, she will request the extension in writing. Ms. Bird seconded the Motion. All Board members in favor. The terms and conditions of Ms. Millikan's probation will be stopped for a period of one month. Ms. Millikan stated she has only volunteered once this month. Her supervising pharmacist was present at the meeting in her support. Ms. Millikan stated her goal is to take the leave of absence and then move forward with her probation.

Alan Winter,  
Probation Interview.

Mr. Winter reported he is doing well. He stated he is learning to be a chain pharmacist instead of an independent pharmacist and is trying to bring some ideas into a system geared more into production. He stated he has completed the essay. **Mr. Winter is in compliance with the terms and conditions of his Order** He will be seen in November or December.

Paul Martz,  
Telephone probation interview:

Mr. Martz indicated he is now employed at Hurricane Pharmacy. Mr. Martz needs to submit an employer report. He stated his employer has been on vacation and will have the report submitted within the next week. Mr. Martz indicated he has contacted LDS Family Services to find a therapist. Dr. Lundberg questioned when he last saw a therapist? Mr. Martz stated it would have been in April 2011. Dr. Lundberg questioned why it has taken him so long to find a therapist? Mr. Martz stated he did not have the finances. Dr. Lundberg stated he needs to make an appointment with the therapist within the next week. Mr. Martz also needs to submit copies of his

prescriptions. **Mr. Martz is out of compliance for not attending therapy; not submitting an employer report and not submitting copies of his prescriptions.** He will be seen in December.

Vinh Tran,  
Interview:

Mr. Tran was requested to meet with the Board because NABP had invalidated his NAPLEX score for inappropriate actions during an exam. Mr. Tran explained that he was caught writing on his arm during the exam. He stated he did not feel it was act of cheating. He stated at the time he thought it was logical to write the names of the three or four medications he had written on the exam to see if he had answered correctly. He stated he did not try to hide the writing on his arm and he now understands he violated the examination code. Dr. Young stated the concern is that he would go out and sell the answers to others. Mr. Tran stated he only wrote down four words and they were the brand and generic names of two medications. Mr. Taylor stated the Board can deny the application, or re-approve him to take the exam again. Mr. Jones made a Motion to hold his application, and re-approve Mr. Tran to sit for the examination. The license can be issued once he has passed both examinations. Mr. Garn seconded the Motion. All Board members in favor.

Discussion regarding returning unused medications to a pharmacy for destruction/disposal:

Mr. Walker stated Rep. Daw has an interest in the Indiana bill regarding returning unused medications to a pharmacy for destruction/disposal. Mr. Walker reported that Rep. Daw has been in contact with Indiana, where a bill has been drafted that would make it easier for Indiana pharmacies and health clinics to serve as drop-off locations for expired medications. Mr. DeRose stated his concern is how the pharmacy would pay for the disposal. Board members stated they would hesitate having a bill drafted unless there is a confirmed policy letter from the DEA. The report from the Indiana Deputy Attorney General indicated the DEA was okay with the Indiana Pharmacy Board developing policies. However, Mr. Garn stated it may be a particular DEA agent's opinion and not the agency's opinion.

Mr. Walker stated there is a lot of appeal at the Legislature to return the medication to the pharmacy

where it was acquired because it would be more convenient for the public. Dr. Young stated Connecticut and Iowa are looking at the issues, but have not written laws at this time. Nebraska, Kansas, Washington and Oregon have a process to take back medications and provide to indigent patients. Mr. Barker stated that a couple of states have a lock box in the pharmacy; however, the pharmacy is not involved. The questions are: who has the key, who counts the medications and who would be responsible for the medications. Ms. Sandberg stated that this was a huge issue in Washington; the controlled substance medications had to be separated from the other medications before mailing back and the drop box was in the parking lot of the police station. Board members indicated that in Utah the water quality authority has a federal grant and they have been very involved in the issue. Board members stated they feel that as a State, we are doing a good job. The Pharmacy may be the best place, but the cost and time factors are an issue. There are also security and safety issues. Mr. Steinagel and Mr. Walker will report the Board's discussion to Rep. Daw.

HB 336 – Allows the Department of Health of to establish a protocol for the distribution of medicine in a national, state, or local emergency.

Mr. Walker reported the Department of Health will be holding meetings regarding HB 336, which allows the Department of Health to receive, from the strategic national stockpile, vaccines for administering, dispensing and distributing in case of a declared emergency. The law exempts them for distribution purposes and there has been some concern regarding what should be done with the stockpile of vaccines once they are no longer needed. Mr. Walker stated he will be participating in the meetings to develop rules. Dr. Young and Dr. Hobbins will also be involved. It was suggested that Board members review section 58-1-307-609 for discussion next month.

Discussion regarding the November and December Board meetings:

The November Board meeting will be scheduled for November 15, 2011. The December meeting will be scheduled for December 13, 2011. Board members indicated the e-prescribing workgroup meetings need to be finished by December. Mr. Jones indicated there are Federal requirements that will need to be met or the pharmacies will not be reimbursed. Mr. Walker indicated there is no funding for DOPL to be the

authentication body. Mr. Jones stated we need to have something in place by the time Medicare enacts the e-prescribing or it will be a big disservice to the pharmacies. Mr. Walker stated the CFR needs to be reviewed to determine who will be exempt. Mr. Steinagel stated he does not feel rule making will be as extensive as it appears. Mr. Steinagel stated he is having the law clerk check with other states to see if they are authenticating the practitioners.

Pharmacy Technician Program Review,  
Gibson's Pharmacy:

Ms. Bird indicated they have an excellent program and made a Motion to approve the Pharmacy Technician Program at Gibson's Pharmacy. The Motion was seconded. All Board members in favor.

*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.*

October 25, 2011  
Date Approved

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

October 25, 2011  
Date Approved

(ss) Debra Hobbins  
Debra Hobbins, Bureau Manager,  
Division of Occupational & Professional Licensing