

MINUTES

UTAH PHARMACY BOARD MEETING

November 15, 2011

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

CONVENED: 8:30 a.m.

ADJOURNED: 12:35 p.m.

Bureau Manager:

Debra Hobbins, DNP, APRN, LSAC

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
Jared Memmott, Division Investigator
Bryson Grey

Guests:

Linda Sandberg, Omicare
Greg Jensen, Target
Roger Fitzpatrick, Midtown Pharmacy
Nick Killpack, Univ. of Utah College of Pharmacy

TOPICS FOR DISCUSSION

October 25, 2011 Minutes:

Connie Call, Compliance report:

DECISIONS AND RECOMMENDATIONS

The October 25, 2011 minutes were tabled.

Ms. Call reported the following individuals are out of compliance with the terms and conditions of their probation: Heather Holmes (late paperwork), William Cordova (no paperwork); Layne Kilpatrick (late paperwork) and Suresh Boodram (late paperwork).

Clarification of Board member Role:

Mr. DeRose stated he is contacted frequently by peers requesting guidance and advice because he sits on the Board. Mr. DeRose requested clarification regarding how a Board member should respond to those inquiries. Mr. Steinagel stated a Board member can respond as an individual, but has to be careful responding for the Board. Mr. Steinagel stated it may be helpful to have Tony Patterson do a short version of Board member training. Mr. Steinagel stated it is also a personal decision to be recused during an interview if you know a probationer. A probationer also has the right to ask a Board member to be recused if he/she is uncomfortable with the Board member present.

Mr. Steinagel introduction of new Pharmacy Investigator, Bryson Grey:

Mr. Steinagel introduced Mr. Grey and indicated Mr. Grey will be helping Mr. Memmott with pharmacy investigations.

Mr. Steinagel discussion regarding E-Prescribing meeting:

Mr. Steinagel indicated that the E-prescribing workgroup meeting that was scheduled for 2:00 p.m. has been canceled. Mr. Steinagel indicated that this topic has been scheduled before a Legislative Committee meeting tomorrow and Dr. Munger and Reid Barker will be presenting at that meeting. Mr. Steinagel stated there is a Rule that states the Division must adopt standards for those requesting an exemption from e-prescribing. Mr. Steinagel stated the Division will send out a letter in conjunction with the DEA explaining the role of the Division and the DEA in e-prescribing. This would be a general education letter and will be sent out by the end of the year.

Review and approval of Vaccine protocol:

Dr. Young stated the rules only address the pharmacist vaccinating; however student/interns can also vaccinate under the supervision of a pharmacist. Dr. Young suggested rules need to be clarified regarding the ratio of student to pharmacist, such as (2 to 1).

Suggested changes to the Vaccine protocol: Take out the phrase "listed below" because we have eliminated the names of the vaccinations. Mr. Fitzpatrick stated a paragraph needs to be added in the Vaccine protocol that includes the pharmacy intern. Add the

paragraph: “The appropriately trained and supervised pharmacy intern may administer immunizations and emergency medications under this protocol.” Also strike “With signed consent of the patient or guardian” and change the paragraph to read: The pharmacist shall report administered immunizations to the Utah State Immunization Information System. . . .

Dr. Lundberg made a Motion to approve the changes to the Vaccine protocol. Mr. Jones seconded the Motion. All Board members in favor.

Dr. Hobbins will contact the Physician’s Licensing Board and the Nursing Board and have the Vaccine Protocol placed on both agendas for discussion.

National Practitioner Data Bank:

Reviewed by Dr. Hobbins. Informational only.

Pharmacy Licensing Issues:

Dr. Hobbins followed up with the discussion regarding Pharmacy Licensure Classifications and facilities engaged in the clinical investigation of new drugs. Dr. Hobbins reported the addition to Rule will read: (e) facilities engaged in the clinical investigation of investigational new drugs pursuant to 21 C.F.R. Part 312.

Add a (3) to read: In addition to the requirements contained in Subsection R156-17b-617(1) each facility which is licensed as a Class E pharmacy pursuant to R156-17b-301(5)(e) shall conduct its operation in accordance with the operating standards set forth in 21 C.F.R. Part 312.

The requirement would be to have a Class E license and abide by the Federal guidelines in the CFR. A PIC would not be required. Mr. Jones made a Motion to adopt the changes. Dr. Kemper seconded the Motion. All Board members in favor.

Dr. Hobbins reported she received an e-mail requesting clarification regarding the rule that states that “a pharmacy technician may accept new prescription drug orders telephonically or electronically.” In the next sentence of the rule it reads “the pharmacy technician shall not receive new verbal prescription or medication orders.” Board

members clarified that telephonic means voice mail, and does not include accepting a verbal prescription over the telephone. If a new prescription order is left on voice mail, the pharmacy technician can take it off and the pharmacist can review the voice mail. No prescriptions can be accepted by e-mail. Ms. Bird made a Motion to clarify that a pharmacy technician can receive new prescription orders by voice mail as long as the pharmacist can verify the prescription. E-mail prescriptions are not accepted. Mr. Garn seconded the Motion. All Board members in favor.

Mr. Walker discussed HB 336 regarding the Department of Health authority to set their own protocols and stockpile medications for emergencies. A proposed Rule has been submitted for review. Dr. Hobbins suggested the Rule be reviewed and discussed at the next meeting.

Dr. Hobbins discussed the constant e-mail requests received by the Division. Dr. Hobbins indicated she would like guidance from Board members on how to handle exemption requests from pharmacy technicians-in-training who have not completed the application process within one year of starting the training program. The rule does allow the Division and the Board to make an exception. Dr. Hobbins presented a request from Ashley Phillipson who requested an exception 7 weeks after her year expired. Dr. Hobbins stated she is denying those requests that come in after the one year date. If the individual submits a request prior to the one year, she will grant the request if the request is reasonable. Dr. Hobbins stated Ms. Phillipson had not completed her training program at the time of her request approximately seven weeks passed the one-year limit. Dr. Lundberg stated she feels Dr. Hobbins is handling these requests appropriately and it is up to the individual to be aware of the rules. Dr. Young stated he agrees and there would be no point of having a rule if we are just going to ignore it. Dr. Hobbins stated the Division is notifying the school/on the job training programs and the students of the approval date and there should be no question regarding the start date. Ms. Bird stated we do not want to bring in all those individuals who want an exception. Ms. Bird stated the Board needs

to consider standardizing the tech-in-training program. Mr. Walker stated if this continues to be an issue, the Statute could be changed to require licensure and a background check for the tech-in-training. An extension could be allowed under certain circumstances and have additional requirements if the individual doesn't complete a program in a timely manner. It was suggested this topic be revisited in January and a solution be explored.

Request from Parata regarding co-mingling of medications:

Dr. Young stated Utah law is silent on the co-mingling of medications. He requested that Parata provide more information regarding what they are asking of the Board.

Heather Palmer
Quarterly interview:

Ms. Palmer reported things are going well. She stated she is graduating from Drug Court but doesn't feel she gained a lot from the experience. Ms. Palmer was late submitting her employer report because her employer had been out of town. Ms. Palmer and her employer both indicated it will not happen again. **Ms. Palmer is out of compliance only because the employer report was late.** She will be seen again February 2012.

Williams Family Video,
Telephone interview:

Mr. Williams reported things are going well and he stated he feels he has met the terms and conditions of the Order. Board members reminded Mr. Williams that pharmacy personnel need to identify themselves when answering the telephone and the individual who answered the telephone for this interview did not identify themselves. Mr. Garn questioned what procedures he has in place to address these issues? Mr. Garn suggested adding a disciplinary process to his policies for an individual who does not identify themselves when answering the telephone. Mr. Williams stated he will write it up in his policies and procedures and submit a copy to Ms. Call for his file. Williams Family Video probation is scheduled to terminate soon and Board members requested he meet in person with the Board in December. Board members request he provide what he has learned in the discipline process and report back to the Board how the telephone issue was resolved. Board members also requested a final inspection of the pharmacy be completed by the Division. **Williams Family Video is in compliance with the terms and conditions of**

his Order. Mr. Williams will be seen in December.

James Bee,
Quarterly Interview:

Mr. Bee did not appear for his scheduled interview and his telephone has been disconnected.

Suresh Boodram,
Probation Interview:

Mr. Boodram reported nothing has changed since his last interview. He indicated he is currently taking the Thinking Errors course and will submit the essay once the course has been completed. Mr. Boodram requested that his probation be terminated. Board members indicated he was recently placed on probation and just began working as a pharmacist. He has been non-compliant every month since he was placed on probation. Board members indicated it would be too soon to consider his request. **His employer report was late and Mr. Boodram is non-compliant due to late paperwork.** Mr. Boodram will be seen again February 28, 2012.

Alan Winter,
Probation Interview:

Mr. Winter reported he is doing well. He stated he continues his employment at Shopko and is getting used to the change from being an independent pharmacist to a chain pharmacist. Board members requested that the employer submit more of a narrative on how Mr. Winter is doing instead of just place a check mark in the box. **Mr. Winter is in compliance with the terms and conditions of his Order and he will be seen February 2, 2012.**

David Barrow,
Probation Interview:

Mr. Barrow indicated he requested a meeting with the Board just to keep the Board informed of his progress. He stated he does not have any requests at this time, but wanted the Board to know he is working hard on his sobriety. Mr. Barrow did question the frequency of urine screens and wondered if the Board could make a recommendation for less frequent urine screens. Dr. Lundberg stated the Board does not set the frequency and does not make that recommendation. It is the Division who sets the frequency of urine screens. Mr. Barrow stated he continues to work five hours per week as a pharmacist. Mr. Jones stated Mr. Barrow is meeting all requirements of the Order, but he has not been on probation for a long enough period of time for the Board to feel comfortable releasing him from probation. Dr. Lundberg stated when he does request

early termination of probation the Board would like to see documentation of treatment and his progress and a letter from Dr. Ponce. **Mr. Barrow is in compliance with the terms and conditions of his Order and he will be seen in December.**

Dennis White,
New Order:

Mr. White explained the circumstances that brought him before the Board. Mr. White stated he feels he just became lax and thought he was helping out several people in his neighborhood with maintenance medications. Dr. Lundberg questioned whether or not this was the first time he has helped with maintenance medications. Mr. White stated it was not the first time he has helped out, in the past he has mailed medications to missionaries whose prescriptions ran out while they were gone. Dr. Lundberg questioned why he would do this? Mr. White stated he feels it was just laziness, he knew it was wrong. Mr. White stated he is no longer working full time and had been planning on retiring in January. Mr. White's Stipulation requires that the employer be pre approved and Board members questioned how this would be done if he is called to fill in for pharmacists at different pharmacies? Mr. White stated he understands he has to give all employers a copy of the Order. The employer will have to fill out the form indicating they have seen the Order. Mr. White stated he understands the terms and conditions of his Order. Dr. Kemper stated that it is not in his order, but he may want to consider attending a Thinking Errors course. **Mr. White is in compliance with the terms and conditions of the Order and he will be seen February 2012.**

Pharmacy Technician Program Approval:

Kanab United Pharmacy will need to submit additional information and be more specific on his program.

Ridley Drug will also need to submit additional information and will need to provide a copy of the text book and further information regarding practical training.

Representative on Salt Lake Mayors
Committee:

Dr. Lundberg stated she does not feel it would be advantageous to have a Board members sit on this Committee full time. It may be helpful if the Committee needs input from a pharmacist or for a

pharmacist to give input on a specific subject.

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.

December 13, 2011
Date Approved

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

December 13, 2011
Date Approved

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