

MINUTES

UTAH

**ONLINE PRESCRIBING,
DISPENSING
AND FACILITATION
LICENSING BOARD MEETING**

May 22, 2012

**Room 401 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:07 A.M.

ADJOURNED: 10:40 A.M.

Bureau Manager:
Board Secretary:

Noël Taxin
Karen McCall

Board Members Present:

Mark N. Bair, MD, Board Chairperson
Lt. Michael Ross
Jennifer R. Korb
Kathleen Littlefield, R.Ph.
Michael Rapp, MD
Roger Fitzpatrick, R.Ph.
Peter L. Ax, Met Telephonically

Guests:

Joel Korsunsky, Secure Medical
Paul Rogers, KwikMed

DOPL Staff Present:

Joyce McStotts, Licensing Specialist
Julie Bolinder, Licensing Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the February 14, 2012 Board meeting were read.

Ms. Littlefield made a motion to approve the minutes with minor revisions. Lt. Ross seconded the motion.

The Board vote was unanimous.

APPOINTMENTS:

9:20 am

Audit Report/Review for KwikMed

Ms. Taxin explained Ms. McStotts and Ms. Bolinder would review the 2011 fourth quarter audits and the 2012 first quarter audits. She stated she believes the process shows improvement but there are still the same types of issues which were given to both companies to correct. She asked the Board to consider meeting less frequently if no issues are noted in the audit and/or if the issues can be immediately resolved. She stated there were less file cases audited for this report as the Division work load has increased considerably right now.

Ms. McStotts presented the 2011 fourth quarter audit and 2012 first quarter audit reports for KwikMed.

Ms. McStotts stated the information she reviewed was consistent with the other audits. She stated there was an increase in Physician acknowledgements for red flags but she is still unable to view the Physician comments.

Ms. McStotts reported one person came up in both random audits and she noted Chantix has been ordered for four years and she could not see any Physician notes where it had been addressed. She asked if it is a concern that this patient has been unsuccessful in quitting smoking for this long of a period of time. She stated she did not see anything new or out of the ordinary in the remaining audited files.

Ms. Taxin asked Mr. Ax if he could respond to the issue of not being able to locate the Physicians comments.

Mr. Ax deferred to Maria Vargas, KwikMed Director of Operations.

Ms. Vargas responded Ms. McStotts should be able to see comments by clicking on the order emails or the order notes tabs.

She also stated KwikMed has done an internal check on the Pharmacy side and Physician side if a patient is using Chantix for six months or more and will internally decline the prescription request. She stated this particular patient has only ordered periodically and not consistently over the four year period.

Ms. Taxin asked the Physicians in the meeting if they believe it is appropriate to send the Chantix if it is not ordered regularly. She asked if procedurally there are a maximum number of times a patient may start over before the Physician recommends the patient see their Primary Care Practitioner.

Dr. Rapp responded he will prescribe for 12 weeks and then recommend the patient see their Primary Care Practitioner beyond that time frame. He stated it appears the patient is not abusing the medication but if it is not working to stop smoking then perhaps the patient should try something else.

Mr. Ax responded there should be more detail regarding the Physician's reasoning to continue to accept the request.

Ms. Vargas responded normally if they see a patient ordering Chantix for six months continuously they will not proceed with the order. She stated the amount of pills in an order will vary.

Mr. Ax responded the patient ordered the following:
112 tablets in 2008;
112 tablets in 2009, a year later;
56 tablets in 2010, 5 months later;
56 tablets 2 months later;
112 tablets 5 months later; and
53 tablets in 2012, a year later.
He stated it appears the patient restarted about once a year.

Dr. Bair voiced concern regarding the possible side affects and the multiple times of treatment with no success. He stated he believes the patient should be referred to their Primary Care Practitioner if more

than two orders are requested to determine if something beyond Chantix is needed.

Ms. Vargas commented the program is 2, four week programs and patients may order both at the same time or separately.

Mr. Fitzpatrick clarified the starter kit is 53 tablets and the continuous pack is 56 tablets. He stated Medicaid will now allow for up to six months but the patient should have had three months of continuous therapy and then three months off. He stated it appears the treatment failed. He stated Pfizer allows for two treatment failures and then they cannot continue the program. Mr. Fitzpatrick asked if patients are being directed to the quit links for changing of behavior as it requires behavior modification of habits to quit smoking.

Brian Ackley, KwikMed, stated patients are referred to Pfizer through a link on the online product page.

Ms. Taxin stated it appears a stop will be put in after a specific number of orders and then a referral will be recommended.

Mr. Ackley responded yes.

Ms. McStotts recommended KwikMed continue to watch for stops and yes answers and manage them. She also requested they make sure the Physicians are entering comments and are watching for high volumes of alcohol use in conjunction with the drug orders.

Mr. Ax and the Board thanked Ms. McStotts for the report.

10:45 am

Audit Report/Review for Secure Medical, Inc.

Ms. Bolinder presented the 2011 fourth quarter audit and 2012 first quarter audit reports for Secure Medical, Inc.

Ms. Bolinder reported she and Ms. McStotts audited 35 files. She stated she saw discrepancies

in the number of orders or cancelled orders and wondered why. Ms. Bolinder stated she could also find no notes in the next five audited files, one patient ordered early with the order being filled and there were no notes on a cancelled order.

Dr. Rapp responded the cancelled order was for a patient who had buyer's remorse and cancelled after ordering and he changed his mind. He stated there are also situations where orders are refused and returned to Secure Medical, Inc.

Ms. Taxin asked if a patient is reimbursed if an order is cancelled.

Mr. Korsunsky responded yes.

Ms. Bolinder referred to another patient order and asked why there was no red flag on this patient's first order.

Dr. Rapp responded a red flag was not necessary as there was another issue where the patient was requested to have his Primary Care Practitioner verify appropriateness for the medication. He stated the orders are cancelled for now.

Ms. Bolinder asked about a 26 year old person who had ordered Viagra, Cialis and Levitra. She stated there is no indication the person is in the military and no notes regarding any medical condition.

Dr. Rapp responded this patient is on a beta blocker for another medical problem. He stated with military personnel they are usually approved if they are at least 21 or older. With civilians or civilians who have served in the military they will approve if they are 25 or older and the ED medications for this patient were approved after consultation with several Physicians as this was his first time to order. Dr. Rapp explained many men will try the daily sample ED medications and then select and purchase the one that best works for them.

Ms. Taxin asked if Dr. Rapp knows the long term

side affects if young patients take these ED drugs from young adulthood through older age.

Dr. Rapp responded younger men seem to be more on top of their health side effects as they search out information online but for older men it has not yet been proven for psychosis or other ailments. He stated notes are put in the patient charts and calls are made to the patients who are informed they must see their Primary Care Practitioner if the PCP is not aware of the need for daily ED medications. He stated there is also a standard note red flag in that patient file for the Physician to contact the PCP prior to completing any additional orders.

Dr. Bair voiced concern regarding the need for daily use of ED medications as it indicates the patient may not have been tested or treated for health issues.

Mr. Fitzpatrick asked what avenues patients are offered to sign up for Zyban.

Dr. Rapp responded he does not believe there is a program through Zyban.

Mr. Korsunsky responded Secure Medical, Inc. should make the resource available to their patients.

Ms. Taxin suggested a link to the Chantix site be included on their website.

Dr. Rapp responded the Chantix site is proprietary and patients would need a code to enter their website.

Ms. Taxin asked if other site information could be included.

Dr. Rapp responded yes.

Mr. Fitzpatrick stated the first introductory pack for Zyban had literature regarding other websites.

This concluded the audit.

Ms. Bolinder commented she saw improvement in this audit.

Mr. Fitzpatrick stated if different issues arise in the next audit then he believes the Board should meet.

Ms. Taxin suggested Dr. Bair be emailed regarding the issues on the next audit and then decide if the Board should meet.

Dr. Bair agreed with Ms. Taxin. He then asked about the difference in the audit format.

Ms. Taxin explained they are similar but the Secure Medical, Inc. is in red and the KwikMed is in black as Mr. Ax was emailed the information yesterday and was not given the opportunity to respond, which then the responses are in red.

Mr. Ax asked if he should formally respond to the audit questions.

Ms. Taxin responded yes. She stated the staff may assist but Mr. Ax and Mr. Korsunsky should respond so she knows they are informed and have made corrections.

The Board agreed to have Dr. Bair notified of audit issues and then determine if the Board should meet August 21, or November 6, 2012.

DISCUSSION ITEMS:

Legislative Update

Ms. Taxin reviewed the following Legislative Bills with the Board:

SB 88 Pharmacy Distribution Amendments

Ms. Taxin explained this bill amended the definition of a cosmetic drug and requires the Division to consult with the Board of Pharmacy and the Online Prescribing, Dispensing and Facilitation Board to adopt administrative Rules to regulate.

SB 161 6 Sub Pharmacy Practice Act Revisions

Ms. Taxin explained this Bill allows certain

prescribing practitioners to dispense certain drugs without being licensed under the Pharmacy Practice Act. She clarified administering a drug is when the practicing practitioner gives it to the patient to take at the office right now and dispensing is for the provider to give the drug to the patient to take home and take later. She stated two years ago Legislation passed to allow for Latisse and HCG to be dispensed, then last year an amendment was made for Physician Assistants and Nurse Practitioners to dispense. She stated if a practitioner is dispensing they have to act like a Pharmacy and follow the Pharmacy guidelines. Ms. Taxin stated the 2012 change includes cosmetic drugs and cancer drugs.

Mr. Fitzpatrick stated the Bill also sunsets the exemption from licensure for Oncologists in July 2015 and directs the Division to evaluate the prescribing practitioner exemptions for dispensing and report back to the Legislature. He stated there was a three year mandate included regarding no further changes to give time for the dispensing issues to be reviewed and something to be put in place to regulate. He stated money was also allocated for the Division to survey what other States are doing to regulate dispensing. Mr. Fitzpatrick stated the Pharmacy Board was charged with writing the Rules.

Dr. Bair commented so many of the cancer drugs are rare and Pharmacies do not always carry them. He stated the Bill did bring to light that there are a lot of doctors dispensing inappropriately out of their offices.

Ms. Taxin moved on to:

HB 434 Pharmacy Practice Act Modification

She stated this Bill amended the provisions related to a prescribing practitioner providing sample drugs to a patient.

HB 51 Medical Specialty Practice Act Amendments

Ms. Taxin stated this amendment permits people who want to make an amendment to meet with the Board for recommendations concerning the proposed

amendment.

Ms. Taxin stated this Board may want to meet with the Pharmacy Board for clarification and recommendations after the Pharmacy Board has met and drafted Rules.

The Board concurred.

Board members thanked Ms. Taxin for the information.

NEXT MEETING SCHEDULED FOR:

August 21, 2012 or November 6, 2012

ADJOURN:

The time is 10:40 am and the Board meeting is adjourned.

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.

November 6, 2012
Date Approved

(ss) Mark N. Bair, MD
Chairperson, Utah Online Prescribing, Dispensing and
Facilitation Licensing Board

June 19, 2012
Date Approved

(ss) Noël Taxin
Bureau Manager, Division of Occupational &
Professional Licensing