

ARKANSAS STATE BOARD OF PHARMACY
101 E. Capitol, Suite 218
Little Rock, AR 72201

The Arkansas State Board of Pharmacy met for a board meeting on August 26, 2011. The meeting was held at the Arkansas State Board of Pharmacy office at 101 E. Capitol, Ste. 218, Little Rock, AR.

Friday, August 26, 2011

The meeting was called to order by Marilyn Sitzes, P.D., President. Members present were Justin Boyd, Pharm.D., MBA; Benji Post, P.D.; Larry Ross; Ronnie Norris, P.D., Steve Bryant, P.D.; Ross Holiman, B.S., H. Ed; and Lenora Newsome, P.D. Staff members present were John Kirtley, Pharm. D., Executive Director; Inspector Ron Ewing; Inspector Rusty McSpadden; Inspector Clyde Frazier; Erika Gee, staff attorney; Dana Brown, CFO and Kelly Kendall, Administrative Assistant.

Dr. Kim Light of the Arkansas Pharmacist Support Group appeared before the Board to request approval of FAQ publication. The next meeting for the Impairment Committee was also discussed.

Leon Hines appeared before the Board on behalf of the Junction City Pharmacy requesting to be open less than 40 hours a week.

BOARD ACTION:

Dr. Bryant made the motion to approve the facility request to be open 36 hours a week. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented a request from Plainview Corner Drug to request an exemption from the hour for Pharmacist-in-Charge.

BOARD ACTION:

Dr. Bryant made the motion to approve the request. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the board with regulation changes and legislative updates.

BOARD ACTION:

Mr. Ross made the motion to have the regulation mirror the statute for immunizations. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with the question of whether or not an intern could screen patients for the sale of pseudoephedrine. The Board states that only a pharmacist can screen patients for this reason.

Dr. Kirtley presented the Board with the issue of freedom of choice of pharmacy for Assisted Living Centers and Long-Term Care facilities. The Board directed staff to submit a letter to the Office of the Inspector General on this issue for an opinion. The Board directed staff to have it put in writing that a patient may have freedom of choice at their own risk.

Dr. Kirtley presented the Board with the issue of who may act as an agent of the physician in nursing homes. Staff has been directed to let pharmacists know that they are putting themselves at risk if they accept faxes signed by the agent under the rules of the DEA.

Mark Riley of the Arkansas Pharmacists Association appeared before the Board to discuss filling prescriptions for pseudoephedrine for more than the 9 gram federal limit. Staff is to notify the pharmacists in a newsletter that filling more than the federal limit will put pharmacists and patients at risk of violating federal law.

Dr. Kirtley presented the Board with auditing pharmacists that hold the Authority to Administer Immunizations for current CPR cards upon inspection.

Dr. Kirtley presented the Board with the issue of pharmacists self reporting if they are licensed in other states and also hold an Arkansas license. The Board directed staff to change the regulation to state that pharmacists licensed and disciplined in other states must self report to Arkansas.

Dr. Kirtley presented the Board with the proposal of forming a committee for the processing of applications with applicant issues and new technology. The impairment committee may consider the applications when they meet.

Dr. Kirtley presented the Board with the issue of reciprocity applicants that have not been in a pharmacy practice setting. These applications will be deferred to a committee prior to a Board meeting.

Mrs. Gee presented the Board with the appeal of Allcare Pharmacy in regards to their disciplinary action from the June, 2011 hearing. Senator Percy Malone and Fred Harris of Allcare Pharmacy appeared before the Board with Darren O'Quinn serving as counsel.

BOARD ACTION:

Dr. Post made the motion to settle the appeal by Allcare in this case by dismissal of the appeal and entering in lieu of the previous entered order of a letter in Allcare's file confirming that the involved employees have been counseled and a plan of correction implemented by Allcare. Allcare will pay \$7,500 in costs. Mr. Holiman seconded the motion. The vote for the motion passed. Dr. Sitzes recused herself.

The full Board will consider this Order at the October, 2011 meeting.

Dr. Kirtley presented the Board with the issue of pharmacy waste and 90-day supplies.

Dr. Kirtley updated the Board on the Landmark Novelties case. It has been determined that the Board will not receive any money from the settlement and this account should be cleared off the books.

Dr. Kirtley presented the Board with the issue of scanning technology in an effort to move toward paperless files. The Board has directed staff to continue with this project.

Dr. Kirtley presented the Board with the issue of space limitations in the current office and the process of acquiring new space. The Board has directed staff to continue with this endeavor.

Dr. Kirtley presented the Board with the issue of good compounding practices. The Board has directed staff to reinforce the regulations and provide clarification.

Dr. Kirtley presented the Board with the issue of providing free nebulizers to updraft patients. This issue will be discussed at the October, 2011 Board meeting.

Upcoming meetings were discussed.

Dr. Kirtley presented the Board with the issue of the Assistant Director position. The Board directed staff to scan the applications to the members for review.

The issue of Pharmacist-in-Charge positions not being filled in a timely manner was discussed and will be brought up at the October, 2011 meeting.

The next Board meeting is scheduled for October 11-12, 2011.

The meeting was adjourned.

Approved for the Board:

Kelly Kendall, Administrative Assistant

Marilyn Sitzes, P.D., President