

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 February 14-15, 2012. The meeting was held at the Arkansas State Board of Pharmacy office at 101 E. Capitol, Ste. 218, Little Rock, AR.

Tuesday, February 14, 2012

The meeting was called to order by Marilyn Sitzes, P.D., President. Members present were Justin Boyd, Pharm.D., MBA; Joyce Palla; Larry Ross; Ronnie Norris, P.D.; Stephanie O'Neal, P.D. and Lenora Newsome, P.D. Staff members present were John Kirtley, Pharm. D., Executive Director; Brenda McCrady, P.D, Assistant Director, Inspector Ron Ewing, P.D.; Inspector Rusty McSpadden, P.D.; Inspector Clyde Frazier, P.D.; Erika Gee, Legal Counsel; Dana Brown, CFO and Kelly Kendall, Administrative Assistant.

The minutes of the October, 2011 meeting were reviewed.

BOARD ACTION:

Dr. Boyd made the motion that the minutes of the meetings be approved.
Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The financial report was reviewed.

BOARD ACTION:

Dr. Boyd made the motion to make the \$50,000 contribution to the Rural Loan Program at UAMS. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Mr. Ross made the motion that the financial report be approved. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Dr. Bryant arrived at the meeting.

Expense Reimbursement for Upcoming Meetings was reviewed.

BOARD ACTION:

Ms. Palla made the motion to approve the expense reimbursements. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The Board interviewed candidates for Reciprocity. Each applicant was asked to complete a questionnaire regarding practice history, type of business and background. The following candidates were present:

Andrew Babb	Amgad Girgis	Holly Neary
Sherril Benson	Thom Green	Jerry Partridge
Gina Besteman	Steven Hamlett	Robert Passavanti
Ameenah Campbell	Timothy Hoffman	Arpan Patel
Xaidee Carmichael	Edward Humphrey	Helen Pisetsky
Seresa Comer	Lee Joffee	Wilber Pleasants
Danielle Dorsett	Apral Jones	Rodney Richmond
Curt Edgell	Richard Lee	Larry Roberts
Ryan Emfinger	Brian Leyda	David Salmon
Bryan Eskew	Maria Lingerfelt	Aaron Small
Edward Fingers	John Lomax, Jr.	Dora Sosnowik
Timothy Fontenoy	Maryam Maghsoodnia	George Suarez
Catherine Friend	Barrett Manning	Casey Wall
Johnny Ray Garcia	David McCoy	

BOARD ACTION:

Dr. Newsome made the motion to approve the above applicants for reciprocity. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Board interviewed candidates for Reciprocity who have not completed the application process. Each applicant was asked to complete a questionnaire regarding practice history, type of business and background. The following candidates were present:

Tanyia Abel	Jerry Morgan, Jr.	Tiriza Saziru
Katie Akins	Denise Morris	Alan Thomason
Melissa Brunson	Ben Orlando	Deidra Williams
Allen McSherry	Altamease Phillips	Raymond Wong

BOARD ACTION:

Dr. Norris made the motion to approve the above applicants for reciprocity upon successful completion of all the requirements. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley informed the applicants of the CE requirements for the 2014-2015 renewal period. These requirements are a total of 30 hours, of which 12 must be live and 12 must be ACPE accredited. The live and ACPE requirement may overlap.

Dr. Norris provided information about the Arkansas Pharmacist Association to the applicants.

Representatives of MatchRx appeared before the board to discuss their business model.

BOARD ACTION:

Mr. Ross made the motion for Dr. Kirtley and Ms. Gee to create a Memorandum of Understanding for MatchRx to operate under. Dr. Newsome seconded the motion. Dr. Bryant recused himself from the vote. The motion passed.

Dr. Kirtley presented the Board with a pseudoephedrine update. Since the regulation changes in August, 2011, pseudoephedrine sales have decreased from around 90,000 sales per month to at, or under, 20,000 sales per month. Dr. Kirtley also addressed the issue of military ID's not scanning into the tracking system, and consulted the Board on how to handle this problem.

BOARD ACTION:

Dr. Boyd made the motion to allow military personnel with active military status and a valid military ID to continue to purchase pseudoephedrine products and to approach the legislature on how to handle this issue. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Gaylan Williams, P.D. and Chad Forinash, P.D. of Corizon-Pharmacor and Dan Brust of the Dept. of Corrections appeared before the Board seeking approval of their Policies and Procedures.

BOARD ACTION:

Dr. Boyd made the motion to approve the Policies and Procedures for Corizon-Pharmacor. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley and Ms. Brown presented the Board with the possibility of contributing to outreach programs for pharmacies and pharmacists in the state of Arkansas.

BOARD ACTION:

Dr. Boyd made the motion to grant the Executive director to spend up to \$5,000 for prescription drug education programs. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Shawonda Roberts aka Shawonda Ellis, #PT95126** and **Bob Wright, #PD05340**. Dr. Sitzes called the meeting to order and turned the proceedings over to the Hearing Office, Charlie Moulton. Erika Gee, of the Attorney General's Office, represented the Board staff. Ms. Roberts aka Ellis did not attend. Dr. Wright was present with Roxie Wilson, manager of Economy Drug, Inc.

BOARD ACTION:

Dr. Boyd made the motion that in the matter of **Shawonda Roberts aka Ellis, #PT95126**, Allegations A-1, A-2, A-3 and A-4 were found to be true, and that Charges C-2 and C-3 were proven. Dr. Newsome seconded the motion. The vote for the motion passed. Therefore, it is ordered that Ms. Roberts aka Ellis Pharmacy Technician registration be revoked.

Dr. Newsome made the motion that in the matter of **Bob Wright, #PD05340**, Allegations A-5 and A-6 were found to be true, and that Charge C-1 was proven. Dr. Norris seconded the motion. The vote for the motion passed. Therefore, it is ordered that Dr. Wright's Pharmacist License be placed on one year probation, that monthly audits be reported quarterly for six months and that a monetary penalty of \$5,000 be paid within 60 days.

Wednesday, February 15, 2012

Dr. Nate Smith, Dr. James Phillips and Randy Lee appeared before the Board requesting to treat sexual partners for STD's without seeing those people. The prescription would be written for the patient and "patient's partner", or two doses written for the patient with instructions on how to treat the partner. The presenters will meet with third party payors in Arkansas to see how they respond to the Board choosing to move forward with this practice.

Dr. Scott Pace of the Arkansas Pharmacists Association appeared before the Board requesting that the Board of Pharmacy consider requiring all pharmacists attend a professional meeting at least once every 2 years for license renewal.

The Board indicated that they would not take any action on this request or discussion.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Robbie G. Parker, #PT88722 and Ed Pat Wright, #PD08066**. Dr. Sitzes called the meeting to order and turned the proceedings over to the Hearing Office, Peggy Johnson. Erika Gee, of the Attorney General's Office, represented the Board staff. Mr. Parker did not attend. Dr. Wright was represented by attorney Darren O'Quinn.

BOARD ACTION:

Dr. Boyd made the motion that in the matter of **Robbie G. Parker, #PT88722**, Allegations A-1, A-2, A-5 and A-6 were found to be true, and that Charges C-1 were proven. Dr. Newsome seconded the motion. The vote for the motion was unanimous. Therefore, it is ordered that Mr. Parker's Pharmacy Technician registration be revoked.

Dr. Newsome made the motion that in the matter of **Ed Pat Wright, #PD08066**, Allegations A-1, A-2, A-5 and A-6 were found to be true, and that Charge C-1 was proven. Dr. O'Neal seconded the motion. The vote for the motion was unanimous. Therefore, it is ordered that Dr. Wright pay a monetary penalty of \$5,000 within 60 days and shall also present a professional talk to the UAMS College of Pharmacy.

Robert Glander from Mercy hospital in Fort Smith appeared before the Board requesting to participate in off-site order entry for Mercy hospital in Berryville.

BOARD ACTION:

Dr. Norris made the motion to accept the request for Mercy hospital in Berryville. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with the possibility of using Herff-Jones to print wall certificates for pharmacists. The Board approved this method.

Dr. Kirtley presented the Board with the issue of extending the temporary license of Ryan Hopper. The temporary license expired February 14, 2012 and Mr. Hopper could not make the trip due to weather. The Board agreed to extend this temporary license until the June Board meeting.

Dr. Kirtley and Ms. Brown presented the Board with the issue of paying for the renewal of professional licenses for staff members.

BOARD ACTION:

Mr. Ross made the motion to have the Board pay for the renewal of professional licenses for staff members. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Mr. Ross made the motion for the Board to reimburse staff for the renewal of their professional licenses for the 2012-2013 biennium. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with the issue of the same pharmacist serving as the AR PIC for two different out-of-state facilities.

BOARD ACTION:

Dr. Boyd made the motion to accept the motion for this facility and allow the same pharmacist serve as the AR PIC for two different facilities. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Michael Brockinton, #PD09533**. By signing the Preliminary Consent Order, Respondent Brockinton agrees to have his license suspended indefinitely and must comply with the other stipulations of this Order.

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Thomas Gill, #PD05909**. By signing the Preliminary Consent Order, Respondent Gill agrees to have his license suspended indefinitely and must comply with the other stipulations of this Order.

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Michael Scott Busch, #PD10394**. By signing the Preliminary Consent Order, Respondent Busch agrees to have his license suspended indefinitely and must comply with the other stipulations of this Order.

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Janet R. Fisher, #PD07210**. By signing the Preliminary Consent Order, Respondent Fisher agrees to have her license suspended indefinitely and must comply with the other stipulations of this Order.

BOARD ACTION:

Dr. Newsome made the motion to accept the Preliminary Consent Orders for the pharmacists mentioned above. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Probation Consent Order for **Deborah P. Liles, #PD07739**. By signing the Probation Consent Order, Respondent Liles agrees to the stipulations of this Order.

Dr. Kirtley presented the Board with a Probation Consent Order for **Timothy Lee Lacey, #PD07030**. By signing the Probation Consent Order, Respondent Lacey agrees to the stipulations of this Order.

Dr. Kirtley presented the Board with a Probation Consent Order for **Jana Leigh Ellis, #PD10867**. By signing the Probation Consent Order, Respondent Ellis agrees to the stipulations of this Order.

BOARD ACTION:

Dr. Norris made the motion to accept the Probation Consent Orders for the pharmacists listed above. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Specialty Veterinary Pharmacy**. By signing the Consent Agreement, Respondent Specialty Veterinary Pharmacy has agreed to pay a monetary penalty of one thousand dollars (\$1,000) to the Board on or before March 3, 2012.

Dr. Kirtley presented the Board with a Consent Agreement for **Michael L. Jeffrey, #PD06065**. By signing the Consent Agreement, Respondent Jeffrey has agreed to complete and deliver documentation to the Board of two (2) hours of continuing education and pay a monetary penalty of one hundred dollars (\$100) to the Board on or before March 31, 2012

Dr. Kirtley presented the Board with a Consent Agreement for **Melissa Griggs, #PD11559**. By signing the Consent Agreement, Respondent Griggs has agreed to pay a civil penalty of \$250 within 30 days of the acceptance of this Agreement by the Board.

Dr. Kirtley presented the Board with a Consent Agreement for **Whitney Danielle Collins, #PT91009, Howard O. Miller, #PD07312 and Allcare Pharmacy – Jonesboro, #AR18257**. By signing the Consent Agreement, Respondent Collins agrees to probation for one year from the effective date of this Agreement along with the other stipulations of this Agreement; Respondent Miller agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before March 6, 2012; and Respondent Allcare Pharmacy – Jonesboro agrees to pay a monetary penalty of one thousand dollars (\$1,000) to the Board on or before March 6, 2012.

BOARD ACTION:

Dr. Norris made the motion to accept the Consent Agreements for each licensee. Dr. Bryant seconded the motion. The vote for the motion passed.

Dr. Kirtley presented the Board with Voluntary Surrenders for the following licensees:

- **Ritchie Lee Actkinson, #PT95850**
- **Tabitha Lynn Hetland, #PT92626**

BOARD ACTION:

Dr. Bryant made the motion to accept the Voluntary Surrenders for the licensees.
Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Ralph Bruce Tarleton, #PD06607**. By signing the Consent Agreement, Respondent Tarleton has agreed to complete and deliver documentation to the Board of four (4) hours of continuing education and pay a monetary penalty of two hundred dollars (\$200) to the Board on or before March 31, 2012

Dr. Kirtley presented the Board with a Consent Agreement for **Warren Bruce Bell, #PD10626**. By signing the Consent Agreement, Respondent Bell has agreed to complete and deliver documentation to the Board of six (6) hours of continuing education and pay a monetary penalty of three hundred dollars (\$300) to the Board on or before March 31, 2012

Dr. Kirtley presented the Board with a Consent Agreement for **Jimmy L. Smithson, #PD05729**. By signing the Consent Agreement, Respondent Tarleton has agreed to complete and deliver documentation to the Board of one-half (0.5) hours of continuing education and pay a monetary penalty of twenty-five dollars (\$25) to the Board on or before March 31, 2012

Dr. Kirtley presented the Board with a Consent Order for **Ginger Allison Kesler, #PD09868**. By signing the Consent Order, Respondent Kesler has agreed to have her license placed on probation for a period of 6 months from the effective date of this Order and to the other stipulations of this Order.

Dr. Kirtley presented the Board with a Probation Consent Order for **Melissa R. Branscum, #PD08508**. By signing the Probation Consent Order, Respondent Branscum agrees to have her license suspended for a period of 5 years, and with the other stipulations of this Order.

Dr. Kirtley presented the Board with a Consent Agreement for **William Moseley Rampy, #PD07393**. By signing the Consent Agreement, Respondent Rampy has agreed to complete and deliver documentation to the Board of one-half (0.5) hours of continuing education and pay a monetary penalty of twenty-five dollars (\$25) to the Board on or before March 31, 2012

Dr. Kirtley presented the Board with a Consent Agreement for **Drug Place**, Out of State Pharmacy Applicant. By signing the Consent Agreement, Respondent Drug Place has agreed to pay a monetary penalty of \$1,000.

BOARD ACTION:

Dr. Bryant made the motion to accept the Orders and Agreements mentioned above. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Ms. Brown presented the Board with a facility that is under construction as a possibility of a new office for the ASBP.

The June Board meeting is set for Tuesday and Wednesday, June 12-13, 2012.

The meeting was adjourned.

Approved for the Board:

Kelly Kendall, Administrative Assistant

Marilyn Sitzes, P.D., President