

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

The Arkansas State Board of Pharmacy met for a regular scheduled meeting on June 10 - 11, 2008. The meeting was held at the Board office at 101 E. Capitol, Ste. 218, Little Rock, AR 72201

Tuesday – June 10, 2008

The meeting was called to order by Bob Dufour, P.D., President. Members present were Sharon Capps, R.N.; Buddy Bowden, P.D.; Lenora Newsome, P.D.; Benji Post, P.D.; Ronnie Norris, P.D.; Marilyn Sitzes, P.D. and Ross Holiman, B.S., H. Ed. Staff members present were Charles Campbell, Pharm. D., Executive Director; John Kirtley, Pharm. D., Assistant Director; Robin Morrissey, Chief Fiscal Officer; Inspector C.C. Frazier, Jr.; Inspector Ron Ewing; Inspector Rusty McSpadden; Erika Gee, staff attorney and Kelly Kendall, Administrative Assistant.

BOARD ACTION:

Mr. Holiman made the motion that the minutes of the February 2008 Board Meeting be approved as amended. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The financial report was discussed.

BOARD ACTION:

Dr. Newsome made the motion that the financial report be approved. Mr. Holiman 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:

James Mayo	Amanda Hannah	Jagruti Patel-Herron
Susan Morrison	Doug Harrell	Galen Perkins
David Simons	Chuck Hensley	Teresa Phipps
Sha Bigelow	Jeremy Johnson	Lisa Rave
Greg Blaies	Roy Lacey	Albert Redford
Dana Casper	Johnny Letlow	Jeffrey Rowe
Michelle Dupuy	Joseph Lettrich	Satyanarayana Saaja
Amy Ehlers	Quenton McEntee	Thomas Smith
Christine Feenker	Kimberly Montoya	Sarah Spangler
Maureen Fitzsimmons	Emily Orscheln	Ryan Walker
Robert Glowac, Jr.	Sophia Pasedis	James Wiese

BOARD ACTION:

Dr. Bowden made the motion to approve the above applicants for reciprocity licensure in Arkansas. Ms. Capps seconded the motion. The vote for the motion was unanimous.

Dr. Campbell discussed CE with the applicants. He explained that they must submit 30 hours of CE, of which 12 hours must be live patient care/drug therapy at the time of renewal on 12/31/2009.

The Board interviewed candidates for Reciprocity whose applications were not completed. The following candidates were present:

Richard Dunlap
Mary Laughlin

Harriet Manis
Dennis McAllister

Madhuri Shelke
Laura Walters

BOARD ACTION:

Dr. Post made the motion to approve the above applicants for reciprocity licensure in Arkansas pending the completion of the application process. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Gary Osborn appeared before the Board seeking reciprocity. The Board decided to have a conference call to discuss this matter.

Catherine Mousel appeared before the Board seeking reciprocity.

BOARD ACTION:

Dr. Post made the motion to approve Mrs. Mousel for licensure. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Barlow Miller, III, #PD05949 appeared before the Board requesting that his Agreed Order be changed to a Consent Order. Dr. Light of the Support Group appeared on his behalf and recommended to the Board that the change be made.

BOARD ACTION:

Dr. Post made the motion that the Board convert Dr. Barlow's Agreed Order to a Consent Order. Dr. Norris seconded the motion. The motion passed.

Leah Robinson, #PD07642 appeared before the Board requesting that her Agreed Order be changed to a Consent Order. Dr. Light of the Support Group appeared on her behalf and recommended to the Board that the change be made.

BOARD ACTION:

Dr. Norris made the motion that the Board convert Dr. Robinson's Agreed Order to a Consent Order. Dr. Newsome seconded the motion. The motion passed.

Dr. Light addressed the Board on the subject of relapsing pharmacist. He feels that the 5 year contract is an insufficient tool to prevent relapses. He suggests that after the completion of a 5 year contract, a 10 year contract be entered into, and any relapse on a second contract mandate a lifetime contract be entered into.

Larry Cannon, #PD09300 appeared before the Board requesting to become a licensed Preceptor in lieu of a 2003 violation of Arkansas Code 17-92-311.

BOARD ACTION:

Mr. Holiman made the motion to approve Dr. Cannon's request. Dr. Norris seconded the motion. The vote for the motion was unanimous. Dr. Dufour recused himself from the vote.

Dr. Kirtley presented the Board with the results of the 2007 CE audit of renewing pharmacists and 46 CE Consent Agreements.

BOARD ACTION:

Mrs. Capps made the motion that the Consent Agreements be accepted with the stipulation that the deficient CE be submitted within 90 days of the Consent Agreements. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a report of the CE Tripartite Committee Meeting. The suggestion of the committee was to keep the current requirement of 30 hours of CE, of which 12 of those hours must be live hours and 12 of those hours must be ACPE, or any other approved nationally accredited body, accredited hours for the renewal of pharmacist's licenses.

BOARD ACTION:

Dr. Newsome made the motion to accept the recommendation of the Committee and for staff to draft proposed regulation to be presented at the next regularly scheduled Board meeting. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with the issue of Pharmacists who did not renew December, 2007.

BOARD ACTION:

Mr. Holiman made the motion that the Board have pharmacists wishing to reinstate or reactivate their pharmacists license either:
A. show proof of adherence to the CE requirements from the renewal period(s),

- B. follow the consent protocol for failure to obtain sufficient CE hours according to Board guidelines,
- C. reapply for an original licensure by exam and pass the NAPLEX examination; or,
- D. apply for a license by reciprocity and complete the reciprocity process which will include passing the jurisprudence exam and appearing before the Board for interview, to obtain an active Arkansas pharmacist license. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Newsome presented the Board with the results of the Disease State Management Committee.

BOARD ACTION:

Mr. Holiman made the motion that the Board accept the recommendations of the Committee with legislative corrections. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Cheryl L. Bryant, #PD09903**. By signing the order, Dr. Bryant has agreed to successfully complete the Medication Error Prevention course at UAMS on or before December 31, 2008 and provide the board with documentation of completion.

BOARD ACTION:

Mrs. Capps made the motion to accept the Consent Agreement for Cheryl L. Bryant, #PD09903. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Joseph Cambre, #PD05904**. By signing the order, Dr. Cambre has agreed to successfully complete the Arkansas Pharmacy Jurisprudence Exam prior to August 31, 2008.

BOARD ACTION:

Dr. Norris made the motion to accept the Consent Agreement for Joseph Cambre, #PD05904. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Stephanie Hayes, #PD10316**. By signing the order, Dr. Hayes has agreed to successfully complete the medication Error Prevention course at UAMS on or before December 31, 2008 and provide the Board with documentation of completion.

BOARD ACTION:

Mr. Holiman made the motion to accept the Consent Agreement for Stephanie Hayes, #PD10316. Dr. Bowden seconded the motion. The vote for the motion passed. Dr. Dufor recused himself from the vote.

Dr. Kirtley presented the Board with a Consent Agreement for **Marsha Phillips, #PD05710**. By signing the order, Dr. Phillips has agreed to successfully complete six hours of continuing education related to patient safety/medication errors on or before August 31, 2008 and provide the Board documentation of completion.

BOARD ACTION:

Dr. Bowden made the motion to accept the Consent Agreement for Marsha Phillips, #PD05710. Mr. Holiman seconded the motion. The vote for the motion passed.

Dr. Kirtley presented the Board with a Consent Agreement for **Cassandra Morris, #PD10257, Vicky Morey, #PD10337, Toya Taylor, #PD10147, Felicia Craven, #PT92821 and Walgreens, #AR18790**. By signing the order, Walgreens agrees to pay a civil penalty of \$5000 to the Board. Upon receipt of the full penalty amount, there shall be final desposition of the disciplinary action against Walgreens. There will be final disposition of the disciplinary charges against Respondents Morris, Morey, Taylor and Craven upon acceptance of this agreement by the Board.

BOARD ACTION:

Mrs. Capps made the motion to accept the Consent Agreement for Cassandra Morris, #PD10257, Vicky Morey, #PD10337, Toya Taylor, #PD10147, Felicia Craven, #PT92821 and Walgreens, #AR03416. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Blake A. Jones, #PT92150**. Mr. Jones signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Blake A. Jones, #PT92150 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Jodi Rae McMullan, #PT84751**. Ms. McMullan signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Jodi Rae McMullan, #PT84751 as presented. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Britney Steenblock, #PT92955**. Ms. Steenblock signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Britney Steenblock, #PT92955 as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Michael Ward, #PT93191**. Mr. Ward signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy in the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Michael Ward, #PT93191 as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **James Richardson, #PD06844**. Dr. Richardson signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in a prescription in the state of Arkansas until ordered by the Board.

BOARD ACTION:

Mr. Holiman made the motion to accept the Agreed Temporary Order for James Richardson, #PD06844 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Regina Barber, #PT92541**. Ms. Barber signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy in the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Regina Barber, #PT92541 as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Shannon Hughes, #PD08133**. Dr. Hughes signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in a prescription in the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Post made the motion to accept the Agreed Temporary Order for Shannon Hughes, #PD08133 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Jefferson Regional Medical Center, #HP00179**. By signing the order, Respondent JRMC has agreed to pay \$750 to the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Order for Jefferson Regional Medical Center, #HP00179. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Bellco Drug Corp., #WD01145**. By signing the order, Respondent Bellco Drug Corp. has agreed to pay \$1000 to the Board.

BOARD ACTION:

Dr. Post made the motion to accept the Consent Order for Bellco Drug Corp., #WD01145. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Pharmacy South, #OS02094**. By signing the order, Respondent Pharmacy South has agreed to pay \$1000 to the Board.

BOARD ACTION:

Dr. Newsom made the motion to accept the Consent Order for Pharmacy South, #OS02094. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Frank Watson**.

BOARD ACTION:

Dr. Newsom made the motion to accept the Consent Order for Frank Watson. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Joshua Story**.

BOARD ACTION:

Mr. Holiman made the motion to accept the Consent Order for Frank Watson. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Kelly Bombino, #PD08323**. By signing the order, Dr. Bombino has agreed to pay \$750 to the Board.

BOARD ACTION:

Dr. Norris made the motion to accept the Consent Order for Kelly Bombino, #PD08323. Dr. Bowden seconded the motion. The vote for the motion passed. Dr. Post recused himself from the vote.

Dr. Kirtley presented the Board with a Consent Agreement for **Sharon Rollins, #PD07249**. By signing the order, Dr. Rollins has agreed to pay the Board \$750.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Agreement for Sharon Rollins, #PD07249. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Priority Solutions International, #WD03331 and #WD03285**. By signing the order, Respondent Priority Solutions International has agreed to pay the Board \$1000 for each facility for a grand total of \$2000.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Agreement for Priority Solutions Internation, #WD03331 and #WD03285. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Walgreens #AR04017**. By signing the order, Respondent Walgreens has agreed to pay the Board \$750.

BOARD ACTION:

Dr. Norris made the motion to accept the Consent Agreement for Walgreens #AR04017. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The Board discussed directing pharmacies to keep a perpetual inventory for controlled substances and will report back at the next regularly scheduled Board meeting.

Dr. Kirtley presented the Board with issues to be addressed during the upcoming legislative session.

Dr. Kirtley presented the Board with the discussion of allowing reciprocity from Florida in the case that Florida changes their regulations to allow reciprocity from other states.

BOARD ACTION:

Dr. Norris made the motion to maintain parity with other states on the issue of reciprocity. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with the issue of reciprocity applicant Andrew Wilhelm requesting a waiver to appear before the Board in order to reciprocate due to an unforeseen situation.

BOARD ACTION:

Dr. Post made the motion to accept the waiver and allow Mr. Wilhelm to forgo appearing before the Board at the next regularly scheduled meeting. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with the problem of pharmacies closing after the pharmacist has fulfilled their hours without notice to their customers.

Dr. Kirtley presented the Board with the issue of prescription transfer limits and problems that have been reported to Board Staff regarding this process. Dr. Dufour suggested that staff conduct a survey of other states and review their regulations regarding this matter to see what the national trends are regarding transfer policies.

Wednesday – June 11, 2008

Dr. Dufour was absent from the meeting.

Jeneen McPherson of Omnicare appeared to request to do off site order entry.

BOARD ACTION:

Dr. Post made a motion to approve the request for off site order entry by Omnicare. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The Board discussed future requests for off site order entry.

BOARD ACTION:

Dr. Norris made a motion for staff to no longer approve off site order entry requests until the next regularly scheduled Board meeting. Dr. Post seconded the motion. The vote for the motion was unanimous.

Richard Burton and Brian Crownover appeared before the Board representing Ivesco Pharmacy requesting a waiver on the 40 hour per week time requirement for a retail pharmacy permit.

BOARD ACTION:

Dr. Norris made the motion to accept the request of Ivesco Pharmacy. The application may be approved by staff to be open a minimum of 16 hours per week and the pharmacy hours must be posted. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Robert McCoy, #PD04399 appeared before the Board to discuss his late pharmacist's license renewal and deficient CE.

BOARD ACTION:

Dr. Norris made the motion that Dr. McCoy complete a Reinstatement application, forgo the criminal background check and make up the 12 hours of live CE that was deficient within 90 days. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The Board discussed the next president, vice-president and secretary of the Board.

The meeting was adjourned.

Prepared By:

Approved for the Board:

Kelly Kendall

Bob Dufour, P.D., President