

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 June 24-25, 2010. The meeting was held at the Holiday Inn/City Center in Ft. Smith, AR.

Thursday, June 24, 2010

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

The minutes of the March, 2010 meeting were reviewed.

BOARD ACTION:

Mr. Holiman made the motion that the minutes of the March 2010 Board Meeting be approved. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

The financial report was reviewed.

BOARD ACTION:

Dr. Norris made the motion that the financial report be approved. Dr. Bryant 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:

Rania Alkhoury
Siham Badawy
Tony Chiu
Randy Dauzat
Allison Davis
Victor de la Garza
Renee DeHart
Cari Divers
John Eberhardt, Jr.
Youssef Elaffy

Michael Fox
LuWanna George
David Hagedorn
Eric Hart
Jeffrey Henry
Myla English
Craig Hinden
Jason Howard
Kristy Humber
Thomas Jones

Lisa Kelly
Eddie Khoriaty
Mark Leung
Ann Manship
Jennifer Moore-Flowers
Valerie Oestreich
Bryan Olenik
Bryan O'Neill
Ramiro Ortiz
Lorena Patterson

Thomas Proctor
Michael Provost
Gisela Robles
Richard Russell
Stephanie Sloan

Deborah Smith
Jaishali Thakore
John Varghese
Leslie Vaughan
Phillip Vowels

Debora Wagner
Paulette Wells
Keith Young

BOARD ACTION:

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

CE requirements for the 12/31/2011 renewal were covered with the newly licensed pharmacists.

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:

Christopher Kelly
Rebecca Nelson

John Richard
Nichole Wilson

BOARD ACTION:

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

The Board interviewed Matthew Kolb for reciprocity.

BOARD ACTION:

Mr. Ross made the motion to approve Dr. Kolb for reciprocity and that his Arkansas license be issued under the same conditions that his Illinois license is currently under. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

The Board interviewed Hilda Gurley for reciprocity.

BOARD ACTION:

Dr. Post made the motion to approve Dr. Gurley's application for reciprocity and that her Arkansas license be restricted to work under the supervision of a pharmacist for 240 hours. Dr. Boyd 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 **Curtis Lopez Clark, #PT91600**. Dr. Newsome called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Moulton. Erika Gee, of the Attorney General's Office, represented the Board staff. Mr. Clark did not appear before the Board and was not represented by counsel. Inspector Ron Ewing of the Arkansas State Board of Pharmacy and Mr. Mark Gann, Loss Prevention for Walgreens were also present.

BOARD ACTION:

Mr. Ross made the motion that in the matter of **Curtis Lopez Clark, #PT91600**, all Allegations were found to be true, and that all Charges were proven. Mr. Holiman seconded the motion. The vote for the motion was unanimous. Therefore, it is ordered that Mr. Clark's license be placed on suspension for 25 years, and that he be fined \$500 per item that he confessed to diverting as found on page 32 for a total of \$6500.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Giovannie Barragan, #PT95177**. Dr. Newsome called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Moulton. Erika Gee, of the Attorney General's Office, represented the Board staff. Mr. Barragan did not appear before the Board and was not represented by counsel. Inspector Rusty McSpadden of the Arkansas State Board of Pharmacy was also present.

BOARD ACTION:

Dr. Bryant made the motion that in the matter of **Giovannie Barragan, #PT95177**, all Allegations found to be true and that all Charges were proven. Dr. Norris seconded the motion. The vote for the motion was unanimous. Therefore, it is ordered that Mr. Barragan's license be placed on suspension for 25 years, and that he be fined \$500 per item that he confessed to diverting as found on page 10 for a total of \$2000.

Steve Bowdle, #PD06648 appeared before the Board in answer to an Order and Notice of Hearing. Dr. Newsome called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Moulton. Erika Gee of the Attorney General's Office represented the Board staff. Dr. Bowdle was represented by Lewis Lloyd. Dr. John Kirtley of the Arkansas State Board of Pharmacy was also present.

BOARD ACTION:

Dr. Post made the motion that in the matter of **Steve Bowdle, #PD06648**, - Allegations A-1, A-2 and A-3 were found to be true, and Charges C-1, C-2 and C-3 were proven with the exception of the amounts in C-1 being amended to approximately 12,000 doses. Mr. Holiman seconded the motion. The vote for the motion was unanimous. Therefore, it is ordered that Dr. Bowdle's license be revoked. Dr. Bowdle will not be eligible for reinstatement for 5 years.

Eunah Henning, Intern Applicant appeared before the Board in answer to an Order and Notice of Hearing. Dr. Newsome called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Moulton. Erika Gee of the Attorney General's Office represented the Board staff. Ms. Henning was represented by Darren O'Quinn. Dr. John Kirtley of the Arkansas State Board of Pharmacy was also present.

BOARD ACTION:

Dr. Norris made the motion that in the matter of **Eunah Henning, Intern Applicant**, all Allegations were not found to be true, and all Charges were not proven. Dr. Bryant seconded the motion. The vote for the motion passed. Therefore, it is ordered that Mrs. Henning be granted her Intern license.

Dr. Kirtley presented the Board with Agreed Temporary Orders for the following licensees:

- Jolene M. Hobbs, #PT80079
- Denise J. Qualls, #PT94757
- Heather N. Hardage, #PT91063
- Margaret I. Swan, #PT95714
- John C. A. Moix, #PD07605
- Lisa Kay Garrison, #PT91096

By signing the Agreed Temporary Order, each licensee has agreed not to practice as a pharmacy technician/pharmacist in Arkansas, or be physically present in the prescription department in any pharmacy in the state of Arkansas until ordered by the Board.

BOARD ACTION:

Mr. Holiman made the motion to accept the Agreed Temporary Orders for each licensee. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with Consent Agreements for the following licensees:

- Brittany L. Valley, Technician Applicant, Darcy A. Bradberry, #PD10361 and Target Pharmacy #2204, #AR20544
- Schraft's A Walgreens Specialty Pharmacy, LLC. #OS02160

By signing the Consent Agreements, each licensee agrees to the specific terms as outlined in their respective Consent Agreements.

BOARD ACTION:

Dr. Post made the motion for the Board to accept the Consent Agreements for each licensee. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Peter E. Battaglia, #PD08869**. By signing the order, Respondent Battaglia agrees to have his license placed on probation for 10 years from June, 2010 and to comply with the specific terms as outlined in his Order.

BOARD ACTION:

Dr. Bryant made the motion to accept the Consent Order for **Peter E. Battaglia, #PD08869**. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Friday, June 25, 2010

The meeting was called to order by Lenora Newsome, P.D., President. Members present were Benji Post, P.D.; Justin Boyd, Pharm.D., MBA; Ronnie Norris, P.D.; Marilyn Sitzes, P.D.; Steve Bryant, 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; Inspector Ron Ewing; Inspector Rusty McSpadden; Erika Gee, staff attorney and Kelly Kendall, Administrative Assistant.

Barlow Miller, #PD appeared before the Board requesting to become a preceptor/pharmacist-in-charge. Dr. Kim Light of the Arkansas Pharmacist Support Group appeared on his behalf.

BOARD ACTION:

Dr. Post made the motion to approve the request of Dr. Miller. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Kelly Hayes, Pharmacy Technician Applicant appeared before the Board requesting to become a pharmacy technician. Dr. Light of the Arkansas Pharmacist Support Group appeared on her behalf.

BOARD ACTION:

Dr. Post made the motion to approve the request of Ms. Hayes and have her pharmacy technician license placed on probation for one year and enter into a

contract with the Support Group. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Steven Walker, #PD appeared before the board requesting to convert his Agreed Order to a Consent Order. Dr. Light of the Arkansas Pharmacist Support Group appeared on his behalf.

BOARD ACTION:

Dr. Norris made the motion to approve the request of Dr. Walker. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Eddie Glover and Jennifer Hyde of US Compounding appeared before the Board to discuss veterinary pharmacy business models.

BOARD ACTION:

Dr. Boyd made the motion to proceed with proposed language changes to regulations concerning veterinary pharmacy business models with changes to clarify shared inventory and freedom of choice. Dr. Bryant seconded the motion. The vote for the motion was unanimous. The Board instructed staff to draft proposed regulation changes to be considered for the next Board meeting.

Dr. Lloyd Allen, Ph D appeared before the Board to discuss compounding from bulk for veterinarians.

Dr. Tiffany Earnhardt and Cecil Tuck of Encompass Health Group appeared before the Board requesting to be open 20 hours a week with back up from Anderson's Discount Drugs.

BOARD ACTION:

Dr. Post made the motion to approve the request for Encompass Health Group and allow them to be open for 20 hours a week for 60 days with the stipulation that if they service a Long-Term Care facility within the 60 day timeline, they will immediately be open 40 hours a week. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Larry McGinnis appeared on behalf of the Hospital Advisory Committee to discuss Medication Error Reduction Plans.

BOARD ACTION:

Dr. Bryant made the motion to accept the report on Medication Error Reduction Plans for hospitals and asked that Board staff draft proposed regulation changes for the next Board meeting to incorporate this into the hospital pharmacy regulations. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Representatives from ScriptPro and DoseEdge appeared before the Board to discuss their sterile compounding review systems.

BOARD ACTION:

Dr. Boyd made the motion to allow hospitals to use the product in lieu of current supervision requirements and have the hospital advisory committee look at it and report back at the October Board meeting. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Chris Bossi of Inrange Systems appeared before the Board to discuss the EMMA (Electronic Medication Management Assistant) device.

Representatives of the East Arkansas Family Health Center appeared before the Board for an update. C-II's were surrendered per DEA request, an inventory of C-III - C-V's was submitted and 340-B training has been initiated. New inventory software has also been purchased.

Dr. Kirtley presented the Board with the results of the CE audit from the 2010-2011 pharmacist renewal.

BOARD ACTION:

Dr. Boyd made the motion to accept the Consent Agreements for all pharmacists on the CE audit list. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Board voted on new positions for FY11.

BOARD ACTION:

Dr. Boyd made the motion that Dr. Post become President, Dr. Sitzes become Vice-President and Dr. Norris become Secretary. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The Narcotics Task Force Control and Detection Committee reported to the Board.

BOARD ACTION:

Dr. Boyd made the motion to direct board staff to draft language for proposed regulation changes to clarify responsibility for the security and accountability of controlled substances and give examples of appropriate steps and procedures that pharmacies and pharmacists may take in order to maintain security over controlled substances. Dr. Sitzes seconded the motion. The vote for the motion was unanimous. The Board instructed staff to draft proposed regulation changes to be considered for the next Board meeting.

AllCare Pharmacy requested to keep samples of certain HIV medications for inmates in an agreement with Abbott Pharmaceuticals.

BOARD ACTION:

Dr. Post made the motion to approve the request of AllCare Pharmacy. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Walgreen Co. requested that the Board approve a “stickerless” program whereby a “sticker” is no longer placed on the back of the hard copy and the electronic file becomes the prescription record.

BOARD ACTION:

Dr. Bryant made the motion that the Board approve this request. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The Board discussed reciprocity and reinstatement for pharmacists practicing outside a permitted pharmacy.

BOARD ACTION:

Dr. Boyd made the motion that a proposed change to Regulation 2 be brought up at the October board meeting. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The board discussed if flavoring medications is considered compounding and needs an order from a physician.

BOARD ACTION:

Dr. Post made the motion to allow flavoring without a physicians order as long as the flavoring is an approved formula. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Elizabeth Sanghavi appeared before the Board to determine if their software violates Regulation 02-04-0002(o).

BOARD ACTION:

Dr. Norris made the motion for the Board not to allow the software program. Dr. Post seconded the motion. The vote for the motion passed.

The Board discussed audit issues by insurance companies and how these companies interpret the Board's regulations.

BOARD ACTION:

Dr. Boyd made the motion to direct Board staff to clarify the regulation concerning how prescriptions are processed and stored through a proposed regulation change to be considered during the next Board meeting. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Board discussed the issue of pseudoephedrine being changed to a Class III controlled substance.

BOARD ACTION:

Dr. Bryant made the motion that the Board supports an initiative for legislation converting pseudoephedrine to a Class III controlled substance prescription item. Dr. Norris seconded the motion. The vote for the motion was unanimous.

The next Board meeting is scheduled for October 12-13, 2010 at the ASBP office.

The meeting was adjourned.

Approved for the Board:

Kelly Kendall, Administrative Assistant

Benji Post, P.D., President