

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

The Arkansas State Board of Pharmacy met for a public hearing on June 28, 2011. The meeting was held at the Arkansas State Board of Pharmacy office at 101 E. Capitol, Ste. 218, Little Rock, AR.

**Tuesday, June 28, 2011**

The meeting was called to order by Benji Post, P.D., President. Members present were Justin Boyd, Pharm.D., MBA; and Lenora Newsome, P.D. Marilyn Sitzes, P.D. and Steve Bryant, P.D. were present by telephone. Staff members present were John Kirtley, Pharm. D., Executive Director; Erika Gee, staff counsel; Dana Brown, CFO and Kelly Kendall, Administrative Assistant.

A Public Hearing on Regulation changes was called to Order at 9:40

**Regulation 1 – General Operations**

The proposed changes will amend Regulation 1 to change the expiration dates for nursing home consultant pharmacist permits and pharmacist preceptor permits to December 31 of odd numbered years. These changes will cause endorsements on a pharmacist's license to expire at the same time as the pharmacist license in accordance with Act 597 of 2011

There was no public comment in favor/opposition of the regulation changes.

**BOARD ACTION:**

Dr. Boyd made the motion to accept the changes to Regulation 1 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

**Regulation 2 – Pharmacists**

The proposed changes will amend Regulation 2 in order to simplify the requirements for pharmacist interns to work in pharmacies and will also allow consideration of graduation from a nationally accredited college of pharmacy as fully meeting the experiential requirements to apply for pharmacist licensure in Arkansas.

Dr. Kirtley read a letter in opposition of the regulation changes from pharmacist Jeff Strickland.

There was no public comment in favor of the regulation changes.

**BOARD ACTION:**

Dr. Post made the motion to accept the changes to Regulation 2 as presented.

Dr. Newsome seconded the motion. The vote for the motion was unanimous.

**Regulation 5 – Long-Term-Care Facilities**

The proposed changes will amend Regulation 5 to specify that any emergency kits provided in Arkansas by an out of state pharmacy must be approved by the Arkansas State Board of Pharmacy and may be subject to the same restrictions imposed by their home state when supplying emergency kits from Arkansas. This rule is being adopted in accordance with Act 1019 of 2011.

There was no public comment in favor/opposition of the regulation changes.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the changes to Regulation 5 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

**Regulation 7 – Drug/Products Prescriptions**

The proposed changes will amend Regulation 7 by updating language regarding the sale of Schedule V Exempt Products and adding language specifically related to the selling of Pharmacist Authorized Drugs such as pseudoephedrine, ephedrine and phenylpropranolamine in accordance with Act 588 of 2011.

Scott Pace of the Arkansas Pharmacists Association spoke in favor of the regulation changes. Dr. Pace requested clarification on the documentation of prescription screening which he understood to only apply to the third option when a pharmacist was screening a patient that was not sufficiently known to them or did not have sufficient prescription filling history with the Board to use the first two criteria in the regulation to make a professional determination to sell these products. It was determined that this interpretation was correct for the Regulation. Dr. Pace also pointed out a potentially confusing sentence in the regulation which the Board voted to clarify. In the proposed change, the words 'patient's medical history, prescription history' were referenced in multiple areas without an indication of differentiation between the two. In response to this the Board adjusted language in this sentence to clarify that the review in the first section would be regarding the patient's medication filling history as reflected in the pharmacy's prescription system. The new sentence as amended will read;

[the patient's medication filling history as maintained in the pharmacy's system;](#)

This change was not seen as substantive and should help pharmacists to understand the focus of this section. Dr. Pace agreed that this change would help his members in understanding this issue.

Leo Hauser appeared representing the Consumer Healthcare Products Association (CHPA) and spoke in opposition of the regulation changes.

Mary Staples of the National Association of Chain Drug Stores spoke in opposition of the regulation changes and requested clarification on issues.

Dr. Kirtley read a letter in opposition of the regulations changes from Richard Ponder, Director of State Government Affairs of Johnson and Johnson, Inc.

**BOARD ACTION:**

Dr. Boyd made the motion to accept the changes to Regulation 7 as amended. Dr. Post seconded the motion. The vote for the motion was unanimous.

**Regulation 9— Pharmaceutical Care/Patient Counseling**

The proposed changes will amend Regulation 9 to update the age restrictions for pharmacists to provide pharmaceutical care to patients seven (7) years of age and older in accordance with Act 147 of 2011.

There was no public comment against the regulation changes.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the changes to Regulation 9 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

There was no public comment in favor/opposition of the regulation changes.

The Public Hearing was closed at 10:29.

The meeting was adjourned.

Approved for the Board:

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Kelly Kendall, Administrative Assistant

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Marilyn Sitzes, P.D., President