

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 October 9-10, 2012. The meeting was held at the Arkansas State Board of Pharmacy office at 101 E. Capitol, Ste. 218, Little Rock, AR.

Tuesday, October 9, 2012

The meeting was called to order by Ronnie Norris, P.D., President. Members present were Justin Boyd, Pharm.D., MBA; Joyce Palla; Stephanie O'Neal, P.D.; Larry Ross; Thomas Warmack, P.D.; and Steve Bryant, 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 June, 2012 meeting were reviewed.

BOARD ACTION:

Dr. O'Neal made the motion that the minutes of the meetings be approved. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The financial report was reviewed.

BOARD ACTION:

Mr. Ross made the motion to accept the financial report. 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:

Michael Greenhalgh
Avery Huff

John Lee
Christi Throneberry

BOARD ACTION:

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

Dr. Kirtley informed all of 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.

Scott Angus
Nereida Padilla

Ripal Patel
Michelle Primavera

BOARD ACTION:

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

Elizabeth Hernandez
Vijeev Menon

Hilary Thibault Fletcher

BOARD ACTION:

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

Kevin Barron
Alison Bartko
Kristine Breitenback
Jeffrey Burnham
Brian Deryck
Robert Dobbins
Lakesha Farmer
Kimberly Feckley
Dustin Getz
Vamsi K Gudey Venkata
Lisa Harris

Kayla Heffington
Caroly Hilliard
Renee Hornsby
Susan Jacks
Thomas Kaye
Jacqueline Lord
Adam Lucas
Preston McDonald
Adrienne Pearce-
Lambert
Richard Raskin

Lola Reamer
Demario Rollins
Walter Spears
Swarna Tatikonda
Harold Toole
Brian Truax
Jason Wittes
Gary Yang
Erin Yeckley
Andrew Yurick

BOARD ACTION:

Dr. Bryant made the motion to approve the above applicants for reciprocity. Dr. Boyd 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:

Peggy Bebon
Edward Boles
Nathaniel Boutte
Shawn Broussard
William Burke

Alana Burnette
Lance Calhoon
Claudia Hansen
James Heinze
Sarah Petrus

Kris Reifel
Lisbeth Schwebke
Mark Simons
Patrick Starr
Bradley Wooldridge

BOARD ACTION:

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

The Board interviewed Sybil Richard for Reciprocity.

BOARD ACTION:

Dr. Bryant made the motion to have Board staff review paperwork when it is received, consult with Dr. Norris and decide upon licensure or an appearance by Dr. Richard before the Board. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

Dr. David Cobb of Baptist Hospital appeared before the Board requesting Remote Order Entry for facilities in Arkadelphia through Baptist in Little Rock and Heber Springs and Stuttgart through Baptist in North Little Rock.

BOARD ACTION:

Dr. Boyd made the motion to approve the request. Dr. Bryant seconded the motion. The vote for the motion passed.

Dr. Calvin Euler appeared before the Board to discuss a retail pharmacy permit for Arkansas Heart Hospital, which is a for profit hospital. The Board directed Dr. Euler to submit an application for the pharmacy and bring it before the Board at the next meeting.

Tim Koch of Wal-Mart appeared before the Board requesting approval for Remote Order Processing from a central facility to multiple locations.

BOARD ACTION:

Dr. O'Neal made the motion to approve a pilot program for six months from the date of initiation and report back to the Board for evaluation. Mr. Ross seconded the motion. The vote for the motion was unanimous.

Tim Koch of Wal-Mart appeared before the Board requesting a regulation change in the Central Fill Regulation.

BOARD ACTION:

Dr. Bryant made the motion to draft a regulation change and present it at the next meeting. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

KihlNa Patel appeared before the Board requesting a waiver of the six month original licensure requirement in order to reciprocate to Arkansas or accept her 1635 foreign pharmacist intern hours obtained in Mississippi to count toward her required 2000 foreign pharmacist intern hours in Arkansas to obtain an original pharmacist license by examination.

BOARD ACTION:

Dr. O'Neal made the motion to accept Dr. Patel's 1635 intern hours accrued in Mississippi and have her employer(s) submit documentation of the remaining 365 hours acquired while licensed as an intern or pharmacist to meet the 2000 hour requirement in order to acquire an Original Pharmacist License by Examination. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with the question of accepting 1000 intern hours acquired in Arizona for a foreign pharmacist relocating to Arkansas.

BOARD ACTION:

Dr. O'Neal made the motion to accept the hours toward licensure. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Julia Marlborough and Andrea Resecker of Arkansas Hospice appeared before the Board requesting a reduction in PIC hour/day requirements for hospice facilities.

BOARD ACTION:

Dr. Bryant made the motion for a reduction in the PIC requirements. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

John Page and Stan Bradley appeared before the Board requesting emergency kits for hospice home facilities that do not have a pharmacy.

BOARD ACTION:

Dr. Bryant made the motion to draft a regulation for emergency kits for hospice home facilities that do not have a pharmacy. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Randal Davis appeared before the Board seeking licensure by reciprocity. Dr. Davis was asked to complete a questionnaire regarding practice history, type of business and background.

BOARD ACTION:

Dr. Bryant made the motion to approve Dr. Davis's application. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

PRELIMINARY CONSENT ORDERS

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Dustin Brownfield, #PD09534**. By signing the Preliminary Consent Order, Respondent Brownfield agrees to comply with the stipulations of this Order.

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Susie O'Keefe, #PD07106**. By signing the Preliminary Consent Order, Respondent O'Keefe agrees to comply with the stipulations of this Order.

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Phillip Pittman, #PD11414**. By signing the Preliminary Consent Order, Respondent Pittman agrees to comply with the stipulations of this Order.

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Bradley Renick, #PD10589**. By signing the Preliminary Consent Order, Respondent Renick agrees to comply with the stipulations of this Order.

BOARD ACTION:

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

CONSENT ORDERS

Dr. Kirtley presented the Board with a Consent Order for **Carl S. Duckworth, #PD06284 and Sexton's Pharmacy, #AR15996**. By signing the Consent Order, Respondents Duckworth and Sexton's Pharmacy have agreed to pay a monetary penalty of \$5,000 within 30 days of the date that this Order is accepted by the Board; have the pharmacy license and pharmacist license placed on probation for five years from the effective date of this Order; have the pharmacy subject to increased inspections by Board staff, up to four (4) times a year; agree to an additional \$5,000 penalty within 30 days of each inspection which results in the facility failing to qualify as a Class A Pharmacy and Respondent Duckworth must conduct monthly self-inspection reports using a form provided by the Board for the first year of probation and each report shall be kept on file and provided to the Board upon request.

BOARD ACTION:

Dr. Boyd made the motion to accept the Order mentioned above. Dr. O'Neal seconded the motion. Dr. Bryant recused himself from the vote. The vote for the motion passed.

CONSENT AGREEMENTS

Dr. Kirtley presented the Board with a Consent Agreement for **Chris Ford, #PD10944**. By signing the Consent Agreement, Respondent Ford has agreed to be on probation for one year from the effective date of this Agreement and pay a monetary penalty of five hundred dollars (\$500) to the Board within 30 days of approval by the Board.

Dr. Kirtley presented the Board with a Consent Agreement for **Melissa Griggs, #PD11559**. By signing the Consent Agreement, Respondent Griggs has agreed to be on probation for one year from the effective date of this Agreement and pay a monetary penalty of five hundred dollars (\$500) to the Board within 30 days of approval by the Board.

Dr. Kirtley presented the Board with a Consent Agreement for **Chandani Patel, #PD11140**. By signing the Consent Agreement, Respondent Patel has agreed to pay a monetary penalty of two hundred fifty dollars (\$250) to the Board within 30 days of approval by the Board.

Dr. Kirtley presented the Board with a Consent Agreement for **Valerie Thilo, #PD11661**. By signing the Consent Agreement, Respondent Thilo has agreed to pay a monetary penalty of two hundred fifty dollars (\$250) to the Board within 30 days of approval by the Board.

Dr. Kirtley presented the Board with a Consent Agreement for **Jimmy Williams, #PD11454**. By signing the Consent Agreement, Respondent Williams has agreed to pay a monetary penalty of two hundred fifty dollars (\$250) to the Board within 30 days of approval by the Board.

Dr. Kirtley presented the Board with a Consent Agreement for **Walgreens #02364, #AR20384**. By signing the Consent Agreement, Respondent Walgreens has agreed to be on probation for one year from the effective date of this Agreement and pay a monetary penalty of two thousand five hundred dollars (\$2,500) to the Board with in thirty days of approval by the Board.

Dr. Kirtley presented the Board with a Consent Agreement for **Walgreens #11344, #AR20576**. By signing the Consent Agreement, Respondent Walgreens has agreed to be on probation for one year from the effective date of this Agreement and pay a monetary penalty of two thousand five hundred dollars (\$2,500) to the Board with in thirty days of approval by the Board.

Dr. Kirtley presented the Board with a Consent Agreement for **Walgreens #05535, #AR20277**. By signing the Consent Agreement, Respondent Walgreens has agreed to be on probation for one year from the effective date of this Agreement and pay a monetary penalty of two thousand five hundred dollars (\$2,500) to the Board with in thirty days of approval by the Board.

BOARD ACTION:

Dr. O'Neal made the motion to accept the Consent Agreements for each licensee. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

VOLUNTARY SURRENDERS

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

- **Kathy Bennett, #PT80647**
- **Violet CoraAnn Crossen, #PT98993**
- **Shannon Kay Frinfrock, #PD11235**
- **Bridget Renee Henderson, #PT92462**
- **Taylor Simone Ray, #PT94694**
- **Chris M. White, #PT92797**

BOARD ACTION:

Mr. Ross made the motion to accept the Voluntary Surrenders for the licensees. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

Fran Fleener, State Drug Director, appeared before the Board to speak on drug take back and medical marijuana.

Mark Riley of the Arkansas Pharmacist Association appeared before the Board to discuss the topic of pharmacists using crush boxes for diabetic footwear.

BOARD ACTION:

Dr. Bryant made the motion to allow pharmacists to use crush boxes in order to create non corrective inserts that will not be billed to insurance. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

Mark Riley of the APA appeared before the board to discuss national accreditation for facilities.

Dr. Kirtley presented the Board with the topic of prescription vials. Rexam states that their company meets all requirements for prescription vials. Dr. Kirtley informed the Board that all other companies meet the same requirements as well.

Dr. Kirtley updated the Board with information on the potential new building for the Board.

Dr. Kirtley presented the Board with the possibility of a testing requirement for pharmacy technicians and pharmacy interns.

Mrs. Gee updated the Board with current cases pending with the Board.

Wednesday, October 10, 2012

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Wendi Eck, #PT91997**. Dr. Norris called the meeting to order and turned the proceeding over to the Hearing Officer, Kendra Aiken Jones. Erika Gee of the Attorney General's Office represented the Board staff. Ms. Eck did not attend.

BOARD ACTION

Dr. Newsome made the motion in the matter of **Wendi Eck, #PT91997**, Allegations A-1, A-2, A-3, and A-4 were found to be true, and that Charges C-1, C-2, C-3 and C-4 were proven and that Ms. Eck's license be suspended for a period of 5 years and that she pay a monetary penalty of \$5,000. Dr. Bryant 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 **R. Michael Oates, #PD07861**. Dr. Norris called the meeting to order and turned the proceeding over to the Hearing Officer, Kendra Aiken Jones. Erika Gee of the Attorney General's Office represented the Board staff. Dr. Oates was present and represented by Morgan Welch and Ashley Hudson.

BOARD ACTION

Dr. Warmack made the motion that in the matter of **R. Michael Oates, #PD07861**, the burden to prove that the November 2010 Order should be modified to allow him to return to active practice without restrictions was not met and his request is denied. Dr. Oates may return to active practice under the terms of the Consent Order offered by the Board's Impairment Committee, including monitoring and participation in the Arkansas Pharmacy Support Group (ARPSG) and an equivalent secular alternative approved by the Board or its designee may be substituted for the 12-step group

meetings typically required. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The February 2013 Board meeting is set for Tuesday and Wednesday, February 12th and 13th, 2013.

The meeting was adjourned.

Approved for the Board:

Kelly Kendall, Administrative Assistant

Ronnie Norris, P.D., President