

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

The Arkansas State Board of Pharmacy met for a regular scheduled meeting on October 12-13, 2004. The meeting was held at the Board of Pharmacy office, 101 East Capitol, Suite 218, Little Rock, Arkansas.

**Tuesday, October 12, 2004**

The meeting was called to order by Larry McGinnis, Pharm.D., President. Members present were Larry Autry, P.D.; Buddy Bowden, P.D.; Sharon Capps, R.N.; Bob Dufour, P.D.; Ross Holiman, B.S., H.Ed.; Lenora Newsome, P.D.; and Ronnie Norris, P.D. Staff members present were Charles Campbell, Pharm.D., Executive Director; Margaret Lincourt, Chief Fiscal Officer; Lana Whitmore, Administrative Assistant; Ron Ewing, P.D.; Rusty McSpadden, P.D.; and Jim Myatt, P.D.

**BOARD ACTION:**

Dr. Autry made the motion that the minutes of the August 2004 Board Meeting be approved as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Mr. Holiman made the motion that the agency financial report be approved as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

The Board interviewed candidates for Reciprocity. Each applicant was asked the following questions: 1) "Why are you seeking licensure in Arkansas?" 2) "Have you ever been before a licensing board for disciplinary action?" 3) "Do you, or have you ever had a problem with drugs or alcohol?" 4) "How long has it been since you last practiced?" The following candidates were present:

Michael Bradley  
Francis Chiniche  
Russell Davis, Jr.  
Darla Duree  
Dadrion Gaston  
Deana Harkness  
Brandi Hodge  
Timothy Lutgen  
Jon Meilinger  
Jennifer O'Grady  
Carl Richie  
Monica Shieh  
Timothy Walsh

David Brandebura  
Sherrie Cooper  
Toan Do  
Arnold Epstein  
Mary Habuda  
Jarett Harkness  
Roger Ings  
Christopher Mach  
Jerry Moore  
John Rains  
Richard Scholl  
Amy Smith  
Charles Walters

Alisa Chamblee  
Richard Couillard  
John Duncan  
MaryBeth Friedel  
Charles Hall  
Kathleen Henson  
Stacie James  
Melissa Martin  
Stewart Morga  
Jason Reiser  
Matthew Schroeder  
Larry Stephens

**BOARD ACTION:**

Dr. Autry made the motion to approve the above applicants for reciprocity licensure in Arkansas. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Campbell explained, in detail, the Arkansas continuing education (CE) requirements to the reciprocity applicants. He told them that since they obtained an Arkansas pharmacist license in the first half of the biennium, they were responsible for meeting Arkansas' CE requirements for the 2004 - 2005 biennium. He explained the current CE requirements – which are 30 hours of CE of which 12 hours should be live and related to drug therapy or patient care.

David Duncan, with **Delta Pharma, Inc.**, appeared before the Board to request a permit to operate as an Out of State Pharmacy in Arkansas. Mr. Duncan told the Board that he began Delta Pharma in 2001, and the majority of the business is compounding products that are off the market or in short supply. He said his company appeared before the Mississippi Board of Pharmacy to explain the business and received approval from the Board. Then Mr. Duncan told the Board that the FDA came in the pharmacy and served them with a warning letter regarding compounding commercially available products. He said Delta Pharma has since changed some policies regarding this issue and are in the process of responding to the FDA. After much discussion the Board determined they would need a copy of Delta Pharma's response to the FDA and verification from the Mississippi Board that they are in compliance with no disciplinary action is pending. Dr. Dufour also requested that Dr. Campbell write the FDA regarding a clarification between manufacturers and compounders.

**BOARD ACTION:**

Dr. Autry made the motion to table Delta Pharma's request for an Out of State Pharmacy permit until they comply with the FDA and the office staff is satisfied that they are in compliance. Dr. Dufour seconded the motion. The vote for the motion was unanimous.

Dr. McGinnis told the Board that the Committee on Remote Entry will meet at the Hospital Pharmacy Association meeting next week. He said they plan to review regulations from other states in order to present the Board with a more complete regulation on remote entry.

Greg Foust, with **HomeLife Oxygen, LLC**, appeared before the Board to request a permit to operate as an Out of State Pharmacy in Arkansas. Mr. Foust explained that he was a respiratory therapist for Baptist in Memphis, Tennessee for 20 years. He said he owns a DME company next door to the out of state pharmacy location and that he hoped to expand his business to Arkansas customers. He explained to the Board that the pharmacy specializes in aerosol drugs and is a division of his durable medical equipment company that specializes in respiratory care. He said that most of the patient counseling is performed by a respiratory therapist. Dr. Campbell read part of Arkansas' Out of State Pharmacy Patient Counseling Regulation to Mr. Foust. The regulation requires a pharmacist to counsel patients and to maintain an incoming toll free phone number, answered by a pharmacist, available a minimum of 40 hours per week, six days a week during normal business hours.

**BOARD ACTION:**

Dr. Norris made the motion to table HomeLife Oxygen's request for an Out of State Pharmacy permit until Mr. Foust can reappear before the Board with proof that he can comply with Arkansas's Out of State Pharmacy Regulation. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Campbell discussed compounding and wholesalers. He said that anyone transferring Schedule II prescriptions to a physician must be licensed as a manufacturer, according to a recent interpretation provided by the DEA.

**Ryan Butler, P.D., #9473**, appeared before the Board to request the Board consider amending his Board Order from the August 2004 Hearing. Dr. Butler told the Board that he completed the additional ten hours of CE required by the Board and he paid his fine. Kim Light told the Board Dr. Butler was referred to an addictionologist and the evaluation indicated that Dr. Butler did not need additional treatment. Dr. Butler said he is anxious to go back to work as a pharmacist. He said he really enjoys his profession and that he has learned a lot about himself throughout this whole ordeal.

**BOARD ACTION:**

Dr. Dufour made the motion to reinstate Ryan Butler's Arkansas pharmacist license. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Ms. Capps made the motion to amend the previous motion to place Dr. Butler's Arkansas pharmacist license on probation for a period of one year beginning today. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Margaret Lincourt told the Board that she would like to request additional appropriation in order to conduct state background checks online. She said she composed a letter to DFA requesting the funds. She explained most results from the background checks would be received within 48 hours, which would help eliminate provisional permits from being issued to applicants who lie on their applications regarding past criminal history. She said the applicant would pay the Board of Pharmacy and then the Board of Pharmacy would pay the State Police, therefore the revenue would be neutral.

**BOARD ACTION:**

Dr. Autry made the motion to approve the letter to DFA requesting additional appropriation. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Shantae Pride, Pharmacy Technician #85372**, appeared before the Board in answer to an Order and Notice of Hearing. The allegation in this case is that Ms. Pride, a registered pharmacy technician, possessed and personally used the controlled substance marijuana. Dr. McGinnis called the meeting to order and turned the proceedings over to the Hearing Officer, James DePriest. Tom Gay, of the Attorney General's Office, represented the Board staff – the respondent was not represented by counsel.

Mr. Gay called on Ron Ewing, P.D., to testify. Dr. Ewing testified regarding Ms. Pride's licensure history. He said she was licensed as a technician in 2000 at Arkansas Children's Hospital where she continued her

employment until August 2004. He explained that Children's conducts random drug screens on employees, and that Ms. Pride's drug screen was positive for marijuana. Dr. Ewing said she was terminated as a result of the positive drug screen.

Mr. Gay then called Kim Light, a member of faculty at University of Arkansas for Medical Sciences, as an expert witness. Dr. Light testified regarding the drug screen. He said based on the amount from the screen, the marijuana had been used within 24 hours before the drug screen took place, and impairment was probable with a reasonable degree of medical certainty.

Ms. Pride testified on her own behalf. She admitted to the Board to smoking marijuana. She said she probably used it three to four times a week beginning in March 2004. She said she did not think it would affect the patients at Children's. Ms. Pride told the Board that her technician registration was very important to her and she would be willing to take classes or anything else she needed to do in order to keep her registration.

**BOARD ACTION:**

Dr. Dufour made the motion that in the matter of Shantae Pride, Pharmacy Technician #85372, allegations A-1, A-2, and A-3 were found to be true, and charges C-1 and C-2 were proven. Therefore, Ms. Pride's pharmacy technician registration is suspended until she receives advocacy from a Board approved support group. At that time she can reappear before the Board to request reinstatement of her pharmacy technician registration. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Representative Jodie Mahony appeared before the Board to discuss a proposed bill which would allow donated prescription medications to be dispensed to patients of charitable clinics. Also appearing with Representative Mahony were: Chuck Morrison, Executive Director of Arkansas Association of Charitable Clinics; Ellen Lamb, P.D.; Mark Meeker, P.D.; Aduston Spivey, P.D.; John Barnett, P.D.; Linda Eglehart; and Mike Fant, Attorney. Representative Mahony told the Board that there have been several meetings, which included representatives from the Board of Pharmacy, Arkansas Pharmacists Association, DHS, and the Department of Health, to discuss problems with regard to too many prescription drugs being wasted. He said that safety has been the number one consideration. He said the proposed bill will have the Board of Pharmacy as the principal authority to oversee and approve these procedures.

Chuck Morrison explained the services made available by the Charitable Clinics around the state. He said there are many professional volunteers that participate in the operation of the clinics and that most are operated by Christian churches. Mr. Morrison said the bill will redirect medications that are no longer needed by nursing home patients to patients of charitable clinics who are in desperate need.

Representative Mahony said the program is completely voluntarily and the nursing home patient will sign a document stating that they are the owner of the medications and that they are donating them for charity. He also said that Louisiana and Oklahoma both have similar programs.

Dr. Campbell raised the issue of accountability. He said that safety is still the number one priority and would like the bill to require the pharmacist in charge of the charitable clinic to go to the nursing home to pick up the medications and determine which ones will be used at the clinic.

**Greg Davis, P.D., #7346**, appeared before the Board with a representative of the Arkansas Pharmacy Support Group, to request the reinstatement of his Arkansas pharmacist license. Dr. Davis apologized to the Board for the disgrace that he caused his profession. He said he began Narcotics Anonymous in 2002 and has been going to meetings regularly since that time. He also said he made a \$1,000 anonymous donation to Arkansas State University. Dr. Davis told the Board that for the past three years he has been laying brick with his father and uncle and that he hopes to one day practice as a pharmacist again. Mike Frost, from the Pharmacy Support Group, spoke on behalf of Dr. Davis. He said that Dr. Davis has changed and deserved the right to practice pharmacy again. Kim Light, also from the Pharmacy Support Group, told the Board that Dr. Davis signed a contract with the support group in January 2003, and he has been drug tested 19 times with no problems. Dr. Light explained that the support group was not advocating for Dr. Davis to go back to work as a pharmacist, only for him to start the process by getting his license back. He also recommended that the Board require Dr. Davis to resign a five-year contract with a support group.

**BOARD ACTION:**

Dr. Autry made the motion to reinstate the pharmacist license of Greg Davis, P.D., #7346, with an inactive license status and that he must provide the Board of Pharmacy with the continuing education required to reinstate a pharmacist license. Dr. Davis must reappear before the Board with advocacy from the support group before he can work as a pharmacist. At that time, he must resign a five-year contract with support group, be placed on a five-year probation period, and any other stipulations the Board deems necessary at that time. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

**Alicia Douglas, Pharmacy Technician Applicant**, appeared before the Board in answer to an Order and Notice of Hearing. The allegation in this case is that Ms. Douglas applied for a pharmacy technician registration, but has pled guilty to the offense of possession of drug paraphernalia, which requires a waiver from the Board of Pharmacy before a pharmacy technician permit can be issued. Dr. McGinnis called the meeting to order and turned the proceedings over to the Hearing Officer, James DePriest. Tom Gay, of the Attorney General's Office, represented the Board staff – the respondent was not represented by counsel.

Ms. Douglas testified on her own behalf. She described the incident that occurred which led to the charge of possession of drug paraphernalia. She said her roommate was moving out of the home they both shared and was trying to take her personal belongings so she called the police. When the police arrived they noticed a pipe used for smoking marijuana, and although it belonged to her roommate, both of them were charged with possession of drug paraphernalia. She explained that if she has no other charges brought against during the next year, the possession of drug paraphernalia charge will be expunged from her record. Ms. Douglas told the Board that she is enrolled at Remington College and that she needs her technician registration in order to perform the required externship to graduate. She also explained that she was informed by Remington that she had to complete their program in order to become registered as a pharmacy technician.

Mr. Douglas testified on behalf of his daughter.

Tom Gay called Rusty McSpadden, P.D., to testify. Dr. McSpadden gave testimony regarding the Controlled Substance Act and his investigation regarding this case.

**BOARD ACTION:**

Dr. Autry made the motion that in the matter of Alicia Douglas, Pharmacy Technician Applicant, the Issues of Fact 1, 2, 3, and 4 were true and the Issues of Law 1 and 2 were proven. Therefore the Pharmacy Technician Application for Alicia Douglas is denied. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Autry informed Ms. Douglas that she can apply again for a pharmacy technician registration in one year if her record remains clear.

**Stephen Ahlert, P.D., #6712**, appeared before the Board to request the reinstatement of his Arkansas pharmacist license. Dr. Ahlert reminded the Board that he appeared before them in June 2004 to request that his license be reinstated. He said he has complied with the Board's request by obtaining his continuing education hours and retaking the Arkansas Jurisprudence Examination. He told the Board that his license was revoked in 1997, for dispensing controlled substances outside the scope of practice and that he has spent time in a federal prison and was issued a \$5,000 fine. He told the Board that he has a better support system and that he is confident that he will be a better pharmacist. Dr. Ahlert said that he cannot work in a pharmacy without a DEA waiver, and that he plans to do nursing home consulting while he begins the DEA waiver request process.

**BOARD ACTION:**

Dr. Dufour made the motion to reinstate Stephen Ahlert's Arkansas Pharmacist License at this time. Dr. Ahlert is instructed to work under supervision of a consulting pharmacist for 240 hours. Dr. Autry seconded the motion. The vote for the motion was unanimous.

Dominic Krocco, with **Wyeth Consumer Healthcare**, appeared before the Board to request an Arkansas List I Chemical Permit. Mr. Krocco explained the company's procedures to the Board. He said they distribute samples to licensed prescribers. He said the samples include products like Advil Sinus and Advil Cold & Sinus. He also explained that their representatives rent storage facilities that are climate controlled and secured. Dr. Campbell told Mr. Krocco that the Board of Pharmacy is actively pursuing placing ephedrine and pseudoephedrine on the Schedule V list, and he told him that he should research the Oklahoma law.

**BOARD ACTION:**

Dr. Autry made the motion to approve an Arkansas List I Chemical permit for Wyeth Consumer Healthcare. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Dr. Autry made the motion to approve the following list of ACPE Colleges of Pharmacy that Arkansas will accept for licensure by reciprocity or examination:

- Auburn University Harrison School of Pharmacy
- Samford University McWhorter School of Pharmacy
- Midwestern University College of Pharmacy-Glendale Campus
- University of Arizona College of Pharmacy
- University of Arkansas for Medical Sciences College of Pharmacy
- Loma Linda University School of Pharmacy
- Thomas J. Long School of Pharmacy and Health Sciences at the University of the Pacific
- University of California San Diego School of Pharmacy and Pharmaceutical Sciences

- University of California San Francisco School of Pharmacy
- University of Southern California School of Pharmacy
- Western University of Health Sciences College of Pharmacy
- University of Colorado Health Sciences Center School of Pharmacy
- University of Connecticut School of Pharmacy
- Howard University School of Pharmacy
- Florida Agricultural and Mechanical University College of Pharmacy and Pharmaceutical Sciences
- Nova Southeastern University College of Pharmacy
- Palm Beach Atlantic University School of Pharmacy
- University of Florida College of Pharmacy
- Mercer University Southern School of Pharmacy
- South University School of Pharmacy
- University of Georgia College of Pharmacy
- Idaho State University College of Pharmacy
- Midwestern University Chicago College of Pharmacy
- University of Illinois at Chicago College of Pharmacy
- Butler University College of Pharmacy and Health Sciences
- Purdue University School of Pharmacy and Pharmaceutical Sciences
- Drake University College of Pharmacy and Health Sciences
- University of Iowa College of Pharmacy
- University of Kansas School of Pharmacy
- University of Kentucky College of Pharmacy
- University of Louisiana at Monroe College of Pharmacy
- Xavier University of Louisiana College of Pharmacy
- University of Maryland School of Pharmacy
- Massachusetts College of Pharmacy and Health Sciences –Boston Campus
- Massachusetts College of Pharmacy and Health Sciences School of Pharmacy-Worcester
- Northeastern University School of Pharmacy
- Ferris State University College of Pharmacy
- University of Michigan College of Pharmacy
- Wayne State University, Eugene Applebaum College of Pharmacy and Health Sciences
- University of Minnesota College of Pharmacy
- University of Mississippi School of Pharmacy
- St. Louis College of Pharmacy
- University of Missouri-Kansas City School of Pharmacy
- University of Montana School of Pharmacy and Allied Health Sciences
- Creighton University Medical Center School of Pharmacy and Allied Health Professions
- University of Nebraska Medical Center College of Pharmacy
- Nevada College of Pharmacy
- Rutgers, the State University of New Jersey Ernest Mario School of Pharmacy
- University of New Mexico College of Pharmacy
- Albany College of Pharmacy
- Long Island University, Arnold and Marie Schwartz College of Pharmacy and Health Sciences
- St. John’s University College of Pharmacy and Allied Health Professions
- University at Buffalo SUNY School of Pharmacy and Pharmaceutical Sciences

- Campbell University School of Pharmacy
- University of North Carolina at Chapel Hill School of Pharmacy
- Wingate University School of Pharmacy
- North Dakota State University College of Pharmacy
- Ohio Northern University College of Pharmacy
- Ohio State University College of Pharmacy
- University of Cincinnati College of Pharmacy
- University of Toledo College of Pharmacy
- Southwestern Oklahoma State University College of Pharmacy
- University of Oklahoma College of Pharmacy
- Oregon State University College of Pharmacy
- Duquesne University Mylan School of Pharmacy
- Lake Erie College of Osteopathic Medicine School of Pharmacy
- Nesbitt School of Pharmacy at Wilkes University
- Temple University School of Pharmacy
- University of Pittsburgh School of Pharmacy
- University of the Sciences in Philadelphia, Philadelphia College of Pharmacy
- University of Puerto Rico Medical Sciences Campus School of Pharmacy
- University of Rhode Island College of Pharmacy
- Medical University of South Carolina College of Pharmacy
- University of South Carolina College of Pharmacy
- South Dakota State University College of Pharmacy
- University of Tennessee Memphis College of Pharmacy
- Texas Southern University College of Pharmacy and Health Sciences
- Texas Tech University Health Sciences Center School of Pharmacy
- University of Houston College of Pharmacy
- The University of Texas at Austin College of Pharmacy
- University of Utah College of Pharmacy
- Hampton University School of Pharmacy
- Shenandoah University Bernard J. Dunn School of Pharmacy
- Virginia Commonwealth University at the Medical College of Virginia Campus School of Pharmacy
- University of Washington School of Pharmacy
- Washington State University College of Pharmacy
- West Virginia University School of Pharmacy
- University of Wisconsin-Madison School of Pharmacy
- University of Wyoming School of Pharmacy
- Lebanese American University School of Pharmacy

Ms. Capps seconded the motion. The vote for the motion was unanimous.

Alicia Smith, P.D., from Health Care Pharmacy, spoke to the Board by speakerphone. She explained that their pharmacy mails medications to AIDS patients. She said it is a state supported program, but their funding is exhausted for this fiscal year and they are looking for cost saving measures. She said that she has been in contact with a physician that has one and one-half cases of Zithromax that will expire before the end of the year and is willing to help mail the samples to the AIDS patients.

**BOARD ACTION:**

Dr. Newsome made the motion to approve Dr. Smith's request once the office staff receives it in writing. Dr. Dufour seconded the motion. The vote for the motion was unanimous.

Dr. Campbell told the Board that he has received complaints regarding a veterinarian in Mountain Home that has a website boasting a mortar and pestle and advertises as "pet pharmacy." He said the complaints were generated by other veterinarian product distributors. He said the Board has never questioned whether or not a vet can fill its own prescriptions, but asked if they can solicit business from other vets. Dr. Campbell said that Dr. Ewing contacted the Veterinarian Board and they said they can fill prescriptions from other vets. He asked for direction from the Board and was told to send a strong letter stating that if they have a pharmacy then they need to apply for a license.

Dr. Campbell extended his appreciation to the Board members for their participation in the district meetings. He said he received positive responses regarding their presentations.

**Wednesday, October 13, 2004**

The meeting was called to order by Larry McGinnis, Pharm.D., President. Members present were Larry Autry, P.D.; Buddy Bowden, P.D.; Sharon Capps, R.N.; Bob Dufour, P.D.; Ross Holiman, B.S., H.Ed.; Lenora Newsome, P.D.; and Ronnie Norris, P.D. Staff members present were Charles Campbell, Pharm.D., Executive Director; Margaret Lincourt, Chief Fiscal Officer; Lana Whitmore, Administrative Assistant; Ron Ewing, P.D.; Rusty McSpadden, P.D.; and Jim Myatt, P.D.

Dr. Campbell presented the Board with an Agreed Temporary Order for **Ashley Folsie, Pharmacy Technician #86498**. Ms. Folsie signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in the prescription department of a pharmacy until approved by the Board.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Agreed Temporary Order for Ashley Folsie, Pharmacy Technician #86498 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with an Affidavit of Surrender for **Theresa Box, Pharmacy Technician #80777**. Ms. Box has admitted to taking controlled substances without the authorization of a practitioner. Dr. Campbell said that for all intents and purposes, this is a revocation.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Affidavit of Surrender for Theresa Box, Pharmacy Technician #80777 as presented. Dr. Autry seconded the motion. The vote for the motion was unanimous.

Dr. McSpadden presented the Board with a Consent Order for **Medical Services Co., #X-01600**. The order was signed admitting to the charge that the respondent did not renew in a timely manner and operated without an Arkansas license. By signing the order, the respondent has agreed to pay a monetary penalty of \$1,000 within 30 days of the date of entry of this Consent Order.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Consent Order for Medical Services Co., X-01600 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with a letter from the Medical Board requesting the Board's response on the following: 1) How does the Board notify pharmacists when a physician's medical license has been suspended or revoked, and 2) If a physician's license is suspended or revoked, how long can the refills of a prescription be honored. The Board discussed this matter at length and decided that 1) according to statutory requirement, it is the Medical Board's responsibility to post the revocations and suspensions of physicians licenses on their website and 2) the refills on the prescriptions should be handled the same way the deceased physician refills are handled.

Dr. Campbell told the Board that he continues to get complaints from pharmacists saying they cannot read the handwriting of physicians from UAMS. He said the Mike Parr, P.D., offered to supply a list of physicians by their UAMS number. Dr. Parr said he could collect the list, put it on a CD, and make it available to the Board. The Board discussed how often the list would need to be updated and how it could be made available to pharmacists. They proposed the Arkansas Pharmacists Association providing the list as a membership benefit or splitting the cost with them.

A Public Hearing on Regulations was called to order at 9:15 a.m.

**Regulation 02 – Pharmacists**

The proposed changes to this regulation will change the definition of a graduate intern to require at least 500 hours experience, it will require pharmacy students to obtain an intern license after the first semester of pharmacy school, and it will require any pharmacist, who suspects an intern has violated any law or regulation regarding the practice of pharmacy, to notify the Board.

There was no public comment for or against this regulation change.

**BOARD ACTION:**

Dr. Autry made the motion to approve the amendment to Regulation 02 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Regulation 04 – Pharmacy**

The proposed changes to this regulation will clarify the hours of operation for a pharmacy and the number of hours required by the pharmacist in charge.

There was no public comment for or against this regulation change.

Dr. Dufour said in (a)(1) to omit the word "store," and to add the sentence to (b) regarding the number of hours per week.

**BOARD ACTION:**

Dr. Norris made the motion to approve the amendment to Regulation 04 with the corrections. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Campbell said he talked with Kim Light regarding the difference between substance abuse and addiction. He told the Board that the support group has concerns regarding the Board referring people to them who do not have, or do not admit to, an addiction. He said the support group was not set up for that type of issue. He said there should be some type of Board approved monitoring program for individuals who do not admit to being addicts but do admit to recreational use. Dr. Campbell said he would set up a meeting with the support group and would like a volunteer to attend the meeting.

Dr. McGinnis nominated Dr. Bowden and Dr. Newsome to attend the next informal hearings.

Dr. Campbell reminded the Board that Petry Novelty, Inc., appeared before the Board in June 2004 to request an Arkansas List I Chemical permit. The Board tabled the request pending a report from the DEA. Dr. Campbell said that although they received a negative report from DEA – they want to appear before the Board and the Board has to hear their case. He said we will need to have a called meeting before February.

Tom Gay told the Board that both Landmark Networks and Cliff McQuay Sales have filed appeals against the Board. He said they have been sent the transcripts and now it is up to them and how hard they want to push the issue regarding what happens next.

Ross Holiman left the meeting.

Ed Henly, P.D., Father Bob Allen, Linda Stringfellow, Executive Director of SHARE Foundation, Lindy Thurman, and Jenny Williams appeared before the Board on behalf of **Interfaith Clinic**, in order to request a charitable clinic permit. Father Bob Allen said the program was set up to help take care of people who work but cannot afford health insurance. He said there is one physician on staff who is paid by SHARE, but they have other physicians who volunteer along with dentists who volunteer. He told the Board that if the charitable clinic permit is approved they will also have pharmacists who volunteer their time. He said the patients can pay an \$8 donation for the services they receive if they choose, but it is not required.

Linda Stringfellow discussed the SHARE Foundation with the Board. She said that SHARE was a non-profit organization and they receive no government funding.

The Board discussed the issue and concluded that because of the paid professional staff, the Interfaith Clinic does not meet the specifications set up in the charitable clinic regulation. Dr. Campbell discussed providing a specialty pharmacy permit for charitable clinics who have this type of situation. The Board recommended a committee, with Ronnie Norris, P.D., as chairman, as well as a representative of a non-traditional charitable clinic (Interfaith), a traditional charitable clinic, and two pharmacists who volunteer in charitable clinics (one of which will be Gary Boone, P.D.) to write the regulations for this type of specialty pharmacy permit.

**BOARD ACTION:**

Dr. Autry made the motion to table the request for a charitable clinic permit for Interfaith Clinic. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Ms. Lincourt discussed the proposed statutory changes for the upcoming legislative session. She said the changes would include: amending the fee for a pharmacy intern from \$15 each year to a one-time fee of \$45, amending the biennial renewal language to be consistent with the way the Board of Pharmacy currently

operates, and clarifies the license expiration dates – including the foreign graduate intern licenses. Dr. Dufour said the language should be amended to intern license issued to a student.

**BOARD ACTION:**

Dr. Dufour made the motion to adopt the proposed statutory changes with the corrections. Dr. Autry seconded the motion. The vote for the motion was unanimous.

The Board suggested that the special one-day Board meeting be held during the second week of December.

Ms. Lincourt told the Board that the GL Suite software conversion has caused some concerns regarding nursing home consultant pharmacists. She presented the Board with a Nursing Home Consultant Pharmacist Report. She told the Board that the result was compiled by a survey sent to consultant pharmacists, and that there were many discrepancies between the response from the survey and the data in the current system. She told the Board that there was still a question as to what fee the consultant should pay – whether it is a one renewal fee for the consultant or a renewal fee for each home in which the pharmacist consultants. The Board did not have a solution to Ms. Lincourt’s question and suggested that Dr. McGinnis speak with John Tipton of the Office of Long Term Care and then discuss the situation with Ms. Lincourt.

The meeting was adjourned into Executive Session. Sharon Capps, Ross Holiman, and Larry McGinnis were not present during the Executive Session.

Prepared By:

Approved for the Board:

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Lana Whitmore

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Larry McGinnis, Pharm.D., President