

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 October 9-10, 2007. The meeting was held at the Board office at 101 E. Capitol, Ste. 218, Little Rock, AR 72201

Tuesday – October 9, 2007

The meeting was called to order by Bob Dufour, P.D., President. Members present were Buddy Bowden, P.D.; Marilyn Sitzes, P.D.; Lenora Newsome, P.D.; Benji Post, 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; Kelly Kendall, Administrative Assistant; Kristi Shirley; and Inspectors Ron Ewing, P.D., Rusty McSpadden, P.D. and Inspector C.C. Frazier, Jr.

BOARD ACTION:

Mr. Holiman made the motion that the minutes of the June 2007 Board Meeting be approved as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Post made the motion that the agency financial report be approved as presented. Dr. Newsome 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:

Tiffany Athon
Laura Batman-Hysen
Hamilton Bell
Krista Bell
Warren Bell
Richard Brusica
Rhonda Cobb
Meritha Corzatt
Lisa Dimick
Brantley Dorch
Bonnie Dugie
Danielle Field
Richard Gaffin
Gary Greisman

Nicole Hubach
Shannon Irving-Panther
Scott Johnson
Gary Kamenetz
Robert Killian
Magnar Kvilhaug
Susan Lam
Merica Lyons
Katherine Martin
Dennis McClure
Michael McKnight
Jennifer Meagher
Craig Meek
Glen Melick

Jeffrey Mercer
Slater Nash
Taeho Oh
Chiemezie Oti
Paula Peterson
Charles Porter
Roger Scandura
Gregory Schmack
Gwen Sexton
Theresa Siharath

John Sommerlatte
Cassandra Spaccapaniccia
Barbara Stewart-Jackson
Michelle Taylor
Pauline Thomas-Parks
Vince Tourville
John Voorhies
Daren White
Lorica Yockey
Matthew Young

BOARD ACTION:

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

Dr. Kirtley explained the Arkansas continuing education (CE) requirements to the reciprocity applicants. He explained that because this is late in the second half of the biennium, the applicants would not be responsible for CE in the upcoming renewal.

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

Janet Bean
Daniel Blakeley

Chanda Humphrey
Stephen Shaw

Frank Watson

BOARD ACTION:

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

Stephen Scott Shaw appeared before the Board requesting that the requirement of being licensed for six months prior to reciprocity be waived.

BOARD ACTION:

Mr. Holiman made the motion that the Board waive the requirement for Mr. Shaw. There was no second.

Dr. Post made the motion that because of extenuating circumstances the Board should waive the requirement for Mr. Shaw. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Mr. Holiman made the motion to accept the reciprocity application for Lisa Dimick. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Frank Watson appeared before the board asking to reciprocate his license from Louisiana that is currently under probation.

BOARD ACTION:

Dr. Bowden made the motion that the Board accept Mr. Watson's reciprocity application pending the signing of a consent order. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Peter Ax and Kevin Marino appeared on behalf of PCM Ventures I to request approval of an internet based pharmacy.

BOARD ACTION:

Dr. Dufour appointed Dr. Post to form a committee to continue discussions with PCM Ventures I.

Dr. John Wolfe of the UAMS College of Pharmacy appeared before the Board to give an update on the Medication Error Review Program.

Dr. Kirtley presented the Board with the issue of the NAPLEX being suspended for six months and asked the Board to discuss the possibility of Intern licenses expiring before the applicant has taken the NAPLEX and applied for licensure.

BOARD ACTION:

Dr. Post made the motion to extend the expiration of any Intern license that has not taken the NAPLEX to December 31, 2007. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Mark Riley appeared before the Board on behalf of the Arkansas Pharmacists Association to discuss disciplinary action language when dealing with contract issues for Arkansas pharmacists and pharmacies.

BOARD ACTION:

Dr. Post made the motion to grant staff the use of broad authority to enter into any type of order with the approval of the Board for technicians that do not renew their licenses within the allotted time. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Newsome made the motion to allow the Executive Director to enter into consent orders for late renewals of pharmacies and pharmacists. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Dufour appointed a committee to discuss technicians reapplying for licensure each time they change employment locations. The committee will consist of Dr. Sitzes, Kelly Kendall, Senator Percy Malone and Stephanie O'Neal.

BOARD ACTION:

Dr. Post made the motion that the fines for facilities that do not renew their licenses in a timely manner be set up to \$1,000 and up to \$500 for technicians and pharmacists and that they must be approved by the Board. Mr. Holiman seconded the motion. The motion passed.

Dr. Kirtley informed the Board that representatives from Omnicare did not appear to discuss nursing home formulary.

Dr. Kirtley informed the Board that representative from Professional Driver Medical Depots did not appear to discuss truck driver clinics.

Robin Morrissey presented the Board with the possibility of changing the renewal process for pharmacists and retail facilities in 2009.

BOARD ACTION:

Mr. Holiman made the motion that the Board approve changes to the pharmacists and retail facility renewals in 2009 by mailing post cards, allowing the facilities and pharmacists to print renewals forms from the internet or mailing in a request for a renewal form. Dr. Newsome seconded the motion. The vote for the motion was unanimous

Dr. Kirtley presented the Board with a Consent Order for **Chasity A. Morehead, #PT83008**. The order was signed admitting the charge that Ms. Morehead diverted controlled substances from her employer. By signing the order, Ms. Morehead has agreed to the revocation of her technician license and not to reapply for registration with the Arkansas State Board of Pharmacy for a period of not less than fifteen years.

BOARD ACTION:

Mr. Holiman made the motion to accept the Consent Order for Chasity A. Morehead, #PT83008. Dr. Post seconded the motion. The vote for the motion passed. Dr. Sitzes recused herself from the vote.

Dr. Kirtley presented the Board with a Consent Order for **Tawanna Wright, #PT84144**. The order was signed admitting the charge that Ms. Wright diverted controlled substances from her employer. By signing the order, Ms. Wright has agreed to the revocation of her technician license and not to reapply for registration with the Arkansas State Board of Pharmacy for a period of not less than fifteen years.

BOARD ACTION:

Dr. Post made the motion to accept the Consent Order for Tawanna Wright, #PT84144. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Wednesday, October 10, 2007

Dr. Larry McGinnis appeared before the Board representing the Hospital Advisory Committee concerning PIC hour requirements in hospitals.

BOARD ACTION:

Dr. Dufour appointed a committee to prepare proposed regulation changes for the February Board meeting. The committee will consist of Dr. Ronnie Norris, a member of the APA and Dr. McGinnis.

A Public Hearing on Regulations 2, 4 and 5 was called to order at 9:41 am.

Regulation 2 – Pharmacists

The proposed changes will add language requiring a pharmacist in charge to report violations of pharmacy law by other pharmacists if any danger to the public health or safety may exist. Language will also update requirements for intern training and requisites for examination as a pharmacist in Arkansas which will require oversight by the pharmacist in charge for the facility instead of just the preceptor or staff pharmacist when tracking hours of experience for student pharmacists.

There was no public comment for the regulation change.

A letter from the National Association of Chain Drug Stores was read in opposition to the proposed regulation change.

BOARD ACTION:

Dr. Newsome made the motion to accept the amendment to Regulation 2 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Regulation 4 – Pharmacy

The proposed changes will modify equipment specifications for various pharmacies to only require equipment necessary for the specific scope of practice for the respective pharmacy. Changes to regulation 4 will also add an additional section of institutional pharmaceutical services permits that will specifically address correctional facilities that obtain medications on a patient specific basis from retail pharmacies.

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

BOARD ACTION:

Mr. Holiman made the motion to accept the amendment to Regulation 4 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

Regulation 5 – Long-Term-Care Facilities

The proposed changes will clarify language regarding the requirements for consultant pharmacists to notify the Board of Pharmacy of changes in their employment status in consulting for nursing homes. These changes also remove the bed limit for consulting and add breathing medications and corticosteroids to the approved classes of medications for emergency kits in nursing homes.

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

BOARD ACTION:

Dr. Newsome made the motion to accept the amendment to Regulation 5 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The Public Hearing on Regulations was concluded at 9:46 am.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Chasity Morehead, #PT83008**. Ms. Morehead 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. Post made the motion to accept the Agreed Temporary Order for Chasity Morehead, #PT83008 as presented. Dr. Bowden seconded the motion. The vote for the motion passed. Dr. Sitzes recused herself from the vote.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Paul Brandon Ferguson, #PD10215**. Mr. Ferguson 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:

Mr. Holiman made the motion to accept the Agreed Temporary Order for Paul Brandon Ferguson, #PD10215 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Melissa Ann Vail, #PD08458**. Dr. Vail signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in the prescription department of a pharmacy until approved by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Melissa Ann Vail, #PD08458 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 **Seth Maurice Randolph, #PT87311**. Mr. Randolph signed the order, and agreed not to practice as a pharmacy technician and shall not be physically present in a prescription department in any pharmacy in the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Post made the motion to accept the Agreed Temporary Order for Seth Maurice Randolph, #PT87311 as presented. Dr. Sitzes seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the board with an Agreed Temporary Order for **Kelsey Wright, #PT92445**. Ms. Wright signed the order, and agreed not to practice as a pharmacy technician and shall not be physically present in a prescription department in any 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 Kelsey Wright, #PT92445 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the board with an Agreed Temporary Order for **Cassey Hardt, #PT91774**. Ms. Hardt signed the order, and agreed not to practice as a pharmacy technician and shall not be physically present in a 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 Order for Cassey Hardt, #PT91774 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 **Rochelle Jordan, #PT91844**. Ms. Jordan signed the order, and agreed not to practice as a pharmacy technician and shall not be physically present in a prescription department in any pharmacy in the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Post made the motion to accept the Agreed Temporary Order for Rochelle Jordan, #PT91844 as presented. Dr. Sitzes seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Central Healthcare, LLC, #MG0073**. The order was signed admitting the charge that the facility failed to renew the permit in a timely manner. By signing the order, Central Healthcare, LLC has agreed to pay \$1000 to the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Order Central Healthcare, LLC, #MG0073 as presented. Dr. Sitzes seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **PSI Arkansas Acquisitions, #AR20355**. The order was signed admitting that the facility did not apply to the Board for a change of ownership in a timely manner. By signing the order, PSI Arkansas Acquisitions, #AR20355 has agreed to pay \$1,000 to the Board.

BOARD ACTION:

Mr. Holiman made the motion to accept the Consent Order PSI Arkansas Acquisitions, #AR20355 as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Dox Medical Supply, #MG00040**. The order was signed admitting the charge that the facility failed to renew the permit in a timely manner. By signing the order, Dox Medical Supply, #MG00040 has agreed to pay \$1,000 to the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Order for Dox Medical Supply, #MG00040 as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Walgreens Pharmacy, #AR20561**. The order was signed admitting the charge that the facility violated pharmacy regulations by offering a coupon. By signing the order, Walgreens Pharmacy, #AR20561 has agreed to pay \$1,000 to the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Order for Walgreens Pharmacy, #AR20561 as presented. Dr. Sitzes seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **King Pharmaceuticals, Inc., #WD01660**. The order was signed admitting the charge that the facility failed to renew the permit in a timely manner. By signing the order, King Pharmaceuticals, Inc., #WD01660 has agreed to pay \$1,000 to the Board.

BOARD ACTION:

Dr. Post made the motion to accept the Consent Order for King Pharmaceuticals, Inc., #WD01660 as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Union Pacific RR Employees Health System, #OS01431**. The order was signed admitting the charge that the facility failed to renew the permit in a timely manner. By signing the order, Union Pacific RR Employees Health System, #OS01431 has agreed to pay \$1,000 to the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Order for Union Pacific RR Employees Health System, #OS01431 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Dispensing Solutions, Inc., #WD03126**. The order was signed admitting the charge that the facility failed to renew the permit in a timely manner. By signing the order, Dispensing Solutions, Inc., #WD03126 has agreed to pay \$1,000 to the Board.

BOARD ACTION:

Mr. Holiman made the motion to accept the Consent Order for Dispensing Solutions, Inc., #WD03126 as presented. Dr. Sitzes seconded the motion. The vote for the motion was unanimous.

Dr. Laura Beth Martin appeared before the Board requesting reduced operating hours for the pending Family Long Term Care Facility.

BOARD ACTION:

Mr. Holiman made the motion to grant Family Long Term Care Facility the request for reduced operating hours. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kim Light appeared before the Board on behalf of the Support Group. Dr. Light informed the Board that the National Association of Chain Drug Stores gave \$25,000 toward a proposed \$60,000 budget and UAMS pledged the difference of \$35,000. Dr. Light publicly thanked Dr. Dufour for his recommendation on contacting the NACDS

Jeneen McPherson appeared before the Board requesting off site order entry from a human development center in Hope, AR. The Board advised her to consider licensing as a pharmacy and then receive approval for off site order entry.

BOARD ACTION:

Dr. Post made the motion that the Board approve off site order entry for the human development center pending the approval of a pharmacy permit. Dr.

Newsome seconded the motion. The vote for the motion passed. Dr. Sitzes recused herself from the vote.

Erika Gee presented the Board with the case of **Cliff McQuay Sales Company, #LC00016**. Mrs. Gee explained that the case had been remanded to the Arkansas State Board of Pharmacy by the Circuit Court. An amended Findings of Fact was presented to the Board for their approval.

BOARD ACTION:

Dr. Post made the motion that the Board accept the amended order as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Erika Gee presented the Board with the case of **Rick S. Hendrix, #PD05545**. Ms. Gee presented the Board with the Findings of Fact and they were asked to vote on the issue.

BOARD ACTION:

Dr. Post made the motion that Dr. Hendrix's license be revoked with the ability to apply for reinstatement after 30 years. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Prepared By:

Approved for the Board:

Kelly Kendall

Bob Dufour, P.D., President