

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 February 8, 2011. The meeting was held at the Arkansas State Board of Pharmacy office at 101 E. Capitol, Ste. 218, Little Rock, AR.

Tuesday, February 8, 2011

The meeting was called to order by Benji Post, P.D., President. Members present were Justin Boyd, Pharm.D., MBA; Marilyn Sitzes, 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; Inspector Clyde Frazier; Erika Gee, staff attorney; Dana Brown, CFO and Kelly Kendall, Administrative Assistant.

The minutes of the October, 2010 meeting were reviewed.

BOARD ACTION:

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

The financial report was reviewed.

BOARD ACTION:

Dr. Bryant made the motion that the financial report be approved. Mr. Ross seconded the motion. The vote for the motion was unanimous.

The Board discussed meeting reimbursements for Board members.

BOARD ACTION:

Dr. Bryant made the motion that the meeting reimbursements be approved. Dr. Sitzes seconded the motion. The vote for the motion was unanimous.

The Board discussed the upcoming meetings.

Dr. Newsome joined the Board meeting.

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:

Esmaa Al Mosawi	Kevin Hendrick	Michelle Peterson
Robert Andrews	Dale Heward	Michael Pickering
Richard Austin	Glen Howell	Brian Schafer
Victor Bakhoun	Robert Jansen	Sukhnider
Jeffrey Brannock	Aleasha Jones	Shah
Robert Brower	Hong Kim	Bradley Shaw
Gerald Buller	Jeril Kurian	Larketta Swofford
Edward Campbell	Misty-Anne Lee	Javit Thekkumkattil
Kathryn Cartwright	Mary Meares	Leslie Vandever
Robert Dickenson	LuGina Mendez-Harper	Marci Wayman
Matthew Dorsey	James Meyer	Mark Webb
James Dunham	Theresa Meyer	Cathy White
Michael Fadeyi	Clint Myers	Stacey Wilcox
Matthew Farmer	Norman Nagaishi	Lonnie Wollitz
Melissa Griggs	Kalpna Patel	James Woznicki

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:

Lindsay Elliott	Jennifer Patykiewicz	Melissa Rohrbacher
Tricia Klug	Michelle Reeves	Sheryl Rose

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.

Dr. Kirtley informed the applicants of their continuing education requirements for the 2012-2013 renewal period. Each applicant will be required to submit 15 hours of CE, of which 6 hours must be live and 6 hours must be ACPE accredited. The live requirement and ACPE requirement may overlap.

Mrs. Gee updated the Board on the Landmark Novelties case. The Board agreed to let the attorney continue his work on the case and they will revisit the issue at the June Board meeting.

Dr. Kirtley presented the Board with the issue of price lists for prescriptions being distributed outside of the confines of the pharmacy without requests for the information.

BOARD ACTION:

Dr. Bryant made the motion that the Board interprets the regulation as it reads and that a price list for prescriptions outside of the confines of a pharmacy must be requested. Dr. Sitzes seconded the motion. The vote for the motion was unanimous.

John Humphrey of St. Joseph Mercy Health Center in Hot Springs appeared before the Board to discuss changing their hours of operation and off site order entry requests.

BOARD ACTION:

Dr. Newsome made the motion to approve the reduction of operating hours to 20 hours per week. Dr. Bryant seconded the motion. Dr. Boyd recused himself from the vote. The vote for the motion passed.

BOARD ACTION:

Dr. Bryant made the motion to approve the request to do off site order entry. Mr. Ross seconded the motion. Dr. Boyd recused himself from the vote. The vote for the motion passed.

Shawnie McWilliams and James Reed appeared before the Board to discuss an off site order entry request for St. Vincent Hospital in Morrilton, AR.

BOARD ACTION:

Dr. Boyd made the motion to approve the off site order entry request with the caveat that they must appear before the Board if they wish to reduce the number of hours that they operate. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The Board discussed Intern Hour Requirements and potential changes to Regulation 2 in order to consider promulgating rules that would remove the requirement to track 500 hours with the Board that would be worked in a permitted pharmacy and allow graduation from an ACPE accredited, Board Approved college of pharmacy to fully meet the experiential criteria for licensure in Arkansas subject to review of applicants' rotation experiences.

BOARD ACTION:

Dr. Boyd made the motion that the 500 hour intern requirement be removed and for staff to file proposed regulation changes to be considered in June. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Board discussed the future opening of the Executive Director position. The Board decided to revisit the issue in the afternoon.

The Board discussed East Arkansas Family Health Center. Representatives will not be present at the meeting due to potential bad weather. After lunch, the Board will review their report and decide on how to proceed with EAFHC.

Fred Harris, Leo Hauser and Mark Riley met with the Board to discuss possible pseudoephedrine legislation. It is the will of the Board to keep their original position to make pseudoephedrine a prescription medication until someone presents an alternative in writing. The Board further discussed that they would discuss other approaches to this issue if delivered in writing to the Board in a timely manner.

Scott Pace of the Arkansas Pharmacists Association met with Board to discuss current legislative issues.

Dr. Kirtley presented the Board with a Probation Consent Order for **Glenn Stanley, #PD06047**. By signing this Order, Respondent Stanley has agreed for his license to be suspended for a period of 5 years from the date of this order, as well as comply with the other stipulations of this Order.

BOARD ACTION:

Mr. Holiman made the motion to accept the Probation Consent Order for Dr. Stanley. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Rebecca Wright, #PD09133**. By signing this Order, Respondent Wright has agreed to have her license suspended indefinitely and must comply with the other stipulations of this Order.

BOARD ACTION:

Mr. Holiman made the motion to accept the Preliminary Consent Order for Dr. Wright. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Health Mart Systems, Inc..** By signing the Consent Agreement, Respondent Health Mart Systems, Inc. has agreed to pay a monetary penalty in the amount of four thousand, six hundred dollars

(\$4,600.00) to the Board within ten (10) business days after the date of the Board's approval of this Consent Order.

Dr. Kirtley presented the Board with a Consent Order for **Walgreen Co.** and **John Sturdivant, #PT90391**. By signing the Consent Order, Respondent Sturdivant has agreed to have his license placed on one year probation and Respondent Walgreen Co. has agreed to pay a civil penalty of \$5,000.00.

Dr. Kirtley presented the Board with a Consent Order for **Richard Derek Barlow, #PD08453**. By signing the Consent Order, Respondent Barlow has agreed to pay a monetary penalty of \$500.00 to the Board to be received within thirty (30) days from the date of Board approval of this Order, as well as comply with the other stipulations of this Order.

Dr. Kirtley presented the Board with a Consent Order for **Harvey Thomas Ham, #PD07318**. By signing the Consent Order, Respondent Ham has agreed to have his license placed on probation for a period of 12 months, and obtain additional CE as outlined in the amended Consent Order.

BOARD ACTION:

Mr. Holiman made the motion for the Board to accept the Consent Orders for each licensee contingent upon the amendment to Dr. Ham's Consent Order to reflect the correct number of hours. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

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

Monica S. Chavez, #PT90238
Daniel Patrick Dempsey, II, #PT91971
Brittany Shanta Thomas, #PT92034
Jordan Wicker, #PT95156
Shawanda Ellis, #PT95126

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:

Dr. Boyd made the motion to accept the Agreed Temporary Orders for each licensee. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Paragon Hemophilia Solutions, LLC., #OS02249**. By signing the Consent Agreement, Respondent Paragon Hemophilia Solutions, LLC. has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board within ten (10) business days after the date of the Board's approval of this Consent Order.

Dr. Kirtley presented the Board with a Consent Agreement for **Shawn Curtis Lutton and Walgreens, #AR20517**. By signing the Consent Agreement, Respondent Lutton has agreed to have his license placed on one year probation from the date of his registration and Respondent Walgreens has agreed to pay a monetary penalty in the amount of one thousand five hundred dollars (\$1,500.00) to the Board on or before March 9, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Specialty Compounding, LLC**. By signing the Consent Agreement, Respondent Specialty Compounding, LLC. has agreed to pay a monetary penalty of one thousand dollars (\$1,000.00) to the Board on or before March 9, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Play-Time Concepts, Inc.** By signing the Consent Agreement, Respondent Play-Time Concepts, Inc. has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before March 9, 2011.

BOARD ACTION:

Dr. Bryant made the motion that the Board accepts the Consent Agreements for each licensee. Dr. Sitzes seconded the motion. The vote for the motion was unanimous.

The Board reviewed the report from East Arkansas Family Health Center and has agreed to meet with representatives at the next Informal Conference.

The June Board meeting was discussed.

BOARD ACTION:

Dr. Bryant made the motion that the June meeting be held on June 14 and 15 at the ASBP office. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The Board discussed the future opening of the Executive Director of the ASBP. Dr. Kirtley recused himself from the discussion. A committee of Dr. Post, Dr. Newsome, Dr. Bryant and Mr. Ross was formed to revamp the job description

The next Board meeting is scheduled for June 14 and 15, 2011 at the ASBP office.

The meeting was adjourned.

Approved for the Board:

Kelly Kendall, Administrative Assistant

Benji Post, P.D., President