

**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 June 8 and 9, 2011. The meeting was held at the Arkansas State Board of Pharmacy office at 101 E. Capitol, Ste. 218, Little Rock, AR.

**Wednesday, June 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.; Steve Bryant, P.D.; Ronnie Norris, P.D. and Lenora Newsome, P.D. Staff members present were John Kirtley, Pharm. D., Assistant Director; Inspector Ron Ewing; Inspector Rusty McSpadden; Inspector Clyde Frazier; Dana Brown, CFO and Kelly Kendall, Administrative Assistant.

The minutes of the following meetings were reviewed.

February 8, 2011  
February 16, 2011  
April 6, 2011  
April 13, 2011

**BOARD ACTION:**

Dr. Boyd made the motion that the minutes of the meetings be approved. Dr. Norris seconded the motion. The vote for the motion was unanimous.

The financial report was reviewed.

**BOARD ACTION:**

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

**BOARD ACTION:**

Dr. Norris made the motion that the educational institutions be approved. 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:

Karen Alesch  
Jeffrey Althoff  
Carol Baron  
Mary Bell  
Kelly Beres  
Karen Contreras  
Stacey Elliott  
Lynne Frazier  
Jarrod Gonzales  
Salma Habeeb

David Hughes  
Namone Khamphavong  
Alexander Knoeferl  
Samuel Kocol  
Ronald Koehler  
Lin Leung  
Scott Luthy  
Kathleen Metz  
Rita Nordenstam  
Karla Olson

Jeffery Scott  
Joni Stalder  
Michael Taday  
Anik Vaillancourt  
Michelle Walton  
Robert Weaver  
Kurt Willis  
Jennifer Yoakum

**BOARD ACTION:**

Mr. Holiman 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 the applicants that they are not required to submit CE for the 2012-2013 renewal period and explained 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. Bryant provided information about the APA to the applicants. .

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:

Joshua Arrington  
Jessica Hermes

Carrie Renehan  
Amy Tran

Kevin Wiltz, II

**BOARD ACTION:**

Dr. Bryant 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 reviewed the upcoming regulation changes that will be presented in a public hearing on June 28<sup>th</sup>.

Dr. Kirtley requested that an updated Nursing Home Consultant Examination be utilized for upcoming NHC applicants.

**BOARD ACTION**

Dr. Boyd made the motion to allow the Board staff to update the NHC examination as needed. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Mrs. Gee joined the meeting.

Marie Koops Brave appeared before the Board to discuss reinstating her pharmacist license.

**BOARD ACTION:**

Dr. Norris made the motion that Mrs. Brave submit to an evaluation by an ARPSG approved addictionologist for an evaluation. In the event of a favorable recommendation, a conditional license for educational purposes only shall be granted. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dean Stephanie Gardner from the UAMS College of Pharmacy appeared before the Board to discuss current UAMS activities including a permit for a new training facility.

**BOARD ACTION:**

Dr. Bryant made the motion to issue a non-dispensing permit that allows for the administration of medications for a newly acquired facility by UAMS. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Mrs. Gee reviewed FOI and Executive Session policies with the Board.

The Board discussed the salary structure and rate of pay for the Executive Director position with the Board which was offered to Dr. Kirtley subsequent to the review of applications and interviews.

**BOARD ACTION:**

Dr. Norris made the motion to extend the salary to the exceptionally well qualified mid-point level for the position of the Executive Director. Dr. Boyd 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 **Americare Pharmacy Services, LLC, Pharmacy Applicant**. Dr. Post called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Moulton. Erika Gee, of the Attorney General's Office, represented the Board staff.

**BOARD ACTION:**

Dr. Boyd made the motion to grant a conditional license with the understanding that the applicant agrees to appear before the Board if there will be any common ownership between a nursing home and pharmacy in Arkansas to discuss the continuation of the license. Mr. Holiman 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 **Trucare Pharmacy, LLC, Pharmacy Applicant**. Dr. Post called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Moulton. Erika Gee, of the Attorney General's Office, represented the Board staff.

**BOARD ACTION:**

Mr. Holiman made the motion to grant the license. Dr. Sitzes 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 **Birchtree, Pharmacy Applicant**. Dr. Post called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Moulton. Erika Gee, of the Attorney General's Office, represented the Board staff.

**BOARD ACTION:**

Dr. Newsome made the motion to grant the license. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Preliminary Consent Order for **Deborah P. Liles, #PD07739**. By signing this Order, Respondent Liles has agreed to have her license suspended indefinitely and must comply with the other stipulations of this Order.

**BOARD ACTION:**

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

Dr. Kirtley presented the Board with an Agreed Orders for **Gary Dewayne Huckabee, #PD07045**. By signing the Agreed Temporary Order, Respondent Huckabee has agreed not to practice as a 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:**

Mr. Holiman made the motion to accept the Agreed Temporary Orders for **Gary Dewayne Huckabee, #PD07045**. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Orders for **Robbie G Parker, #PT88722**. By signing the Agreed Temporary Order, Respondent Parker has agreed not to practice as a pharmacy technician 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:**

Mr. Holiman made the motion to accept the Agreed Temporary Orders for **Robbie G Parker, #PT88722**. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

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

- **Veronica Lea Duran, #PT96726**
- **Timmy Joe Evans, #PT93165**
- **Tiffany Lynn Harrison, #PT92555**
- **Sherlyn J. Johnson, #PT95411**

**BOARD ACTION:**

Mr. Holiman made the motion to accept the Voluntary Surrenders for the licensees. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Voluntary Surrender for **Megan Christine Fleck, #PT94690**.

**BOARD ACTION:**

Dr. Bryant made the motion to accept the Agreed Temporary Orders for **Megan Christine Fleck, #PT94690**. Mr. Holiman seconded the motion. The vote for the motion passed. Dr. Boyd recused himself.

**Thursday, June 9, 2011**

Larry McGinnis appeared before the Board to give a Hospital Advisory Committee update. Dr. McGinnis presented suggested regulation changes agreed on by the committee. A committee headed up by Dr. Norris will be formed to research potential educational programs for technicians involved in the preparation of sterile products.

The Board discussed freedom of choice issues concerning long-term care facilities and pharmacy ownership. The Board instructed staff to request an Attorney General opinion on this matter.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **William Jerome Teague, #PT94546; Terrence L. Johnson, #PT94601; Allcare Pharmacy, #AR20572 and Garry L. Reinhardt, #PD06641**. Dr. Post called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Moulton. Erika Gee, of the Attorney General's Office, represented the Board staff.

**BOARD ACTION:**

Dr. Norris made the motion that in the matter of William Jerome Teague, #PT94546, all Allegations were found to be true, and that Charges 3-5 were proven. Dr. Newsome seconded the motion. The vote for the motion was unanimous. Therefore, it is ordered that Mr. Teague's Pharmacy Technician license be revoked.

Mr. Ross made the motion that in the matter of Terrence L. Johnson, #PT94601, all Allegations were found to be false and that all Charges were not proven. Mr. Holiman seconded the motion. The vote for the motion passed with Dr. Norris voting no. Therefore, Mr. Johnson is acquitted of all Allegations.

Dr. Norris made the motion that in the matter of Allcare Pharmacy, #AR20572, Allegations 1-4 and 6-7 were found to be true, and that Charges 1-2 were proven. Dr. Newsome seconded the motion. The vote for the motion was unanimous. Therefore, it is ordered that Allcare Pharmacy pay a fine of \$7500 within thirty days from the date of the Order.

Dr. Norris made the motion that in the matter of Garry L. Reinhardt, #PD06641, Allegations 1-4 and 6-7 were found to be true, and that Charges 1-2 were proven. Dr. Bryant seconded the motion. The vote for the motion was unanimous. Therefore, it is ordered that Dr. Reinhardt pay a fine of \$2500 within thirty days from the date of the Order.

Robert Glander appeared before the Board on behalf of St. Edward Mercy Medical Center #HP00248 requesting to participate in off-site order entry with three of their critical access hospitals.

**BOARD ACTION:**

Dr. Norris made the motion that the request for St. Edward Mercy Medical Center, #HP00248 be granted. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Representatives of the East Arkansas Family Health Center appeared before the Board at the request of the Board.

**BOARD ACTION**

Dr. Boyd made the motion that EAFHC not be required to appear before the Board again unless there is Board action or they begin to handle controlled substances again. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Leland Stice appeared before the Board to discuss 340B qualified hospitals contracting with retail pharmacies.

**BOARD ACTION:**

Dr. Boyd made the motion that qualified hospitals in Arkansas should be able to utilize this business model. Dr. Bryant seconded the motion. The Board noted that there must still be freedom for patients to choose their pharmacy of choice and that the hospitals should offer this type of contract openly to interested pharmacies that would like to participate. The vote for the motion passed. Dr. Norris recused himself.

Angela Curtis and Jeremy Riddle of AR Home Medical Pharmacy appeared before the Board requesting to use multi-dose packaging for their patients.

**BOARD ACTION:**

Dr. Norris made the motion to allow Board staff to produce an MOU that would outline the procedures for a pharmacy to utilize multi-dose packaging systems for retail customers. With this guidance, Board staff could approve pharmacies that have agreed to the terms of the MOU in order to offer this service. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Board discussed Pharm Parties and how 90-day supplies may be contributing to this problem. Dr. Norris requested that this discussion be continued at a future meeting when representatives from the Arkansas Pharmacists Association are present.

Potential meeting dates will be sent out the Board members for an August meeting. A public hearing will be held at the ASBP office June 28, 2011.

The Board held elections with the following results:

President – Marilyn Sitzes, P.D.

Vice-President – Ronnie Norris, P.D.

Secretary – Steve Bryant, P.D.

Dr. Kirtley presented Dr. Post with a plaque honoring and thanking him for his 6 years of service on the Arkansas State Board of Pharmacy.

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