

**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 11 and 12, 2011. The meeting was held at the Arkansas State Board of Pharmacy office at 101 E. Capitol, Ste. 218, Little Rock, AR.

**Wednesday, October 11, 2011**

The meeting was called to order by Marilyn Sitzes, P.D., President. Members present were Justin Boyd, Pharm.D., MBA; Joyce Palla; Larry Ross; Steve Bryant, P.D.; Ronnie Norris, P.D.; Stephanie O'Neal, P.D. and Lenora Newsome, P.D. Staff members present were John Kirtley, Pharm. D., Executive Director; Inspector Ron Ewing; Inspector Rusty McSpadden; Inspector Clyde Frazier; Erika Gee, Legal Counsel; Dana Brown, CFO and Kelly Kendall, Administrative Assistant.

The minutes of the following meetings were reviewed.

June 8-9, 2011  
June 28, 2011  
August 26, 2011

**BOARD ACTION:**

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

The Board reviewed Colleges of Pharmacy to be approved.

**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:

Deborah Baker	Lisa Girten	Christy Piti
Thomas Baker	William Harrison	Judith Reynolds
Matthew Bouchard	Bryan Horne	Marion Rizer
Royce Burruss	Denise Husband	Youssef Saleeb
Jerry Byler	Rohit Jolly	Suzanne Speckman
Kelly Byler	Cynthia Kern	James Stupnik
Tracy Chauvin	Sophia Le	Tara Wesselmann
Ying Chow	Jenny Lee	Daniel White
Stephanie Duffy	Katherine Lusardi	Thishanthi
Thomas Dunagan	Alison Lynch	Wijewickrama
Frederick Evans	Yvette McGill	Valencia Wilson
Ernest Ezue	Vivian McIntyre	Brett Wright
Eric Folk	Emmett McVey	

**BOARD ACTION:**

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

Gabriella Douglass	Kajijo Guya	Matthew Wilson
Sammy Echols	Zachary Shumoski	
Jana Evensen	Debora Wagner	
Timothy Guse	Kathryn Walls	

**BOARD ACTION:**

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

Dr. Kirtley informed the applicants that 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. Norris provided information about the Arkansas Pharmacist Association to the applicants.

Dr. Norris had to leave the Board meeting.

Ms. Brown informed the Board members that they are to file financial interest statements online for 2011 by January 31, 2012.

Ms. Gee presented the Board with the updated letter to the Office of Inspector General concerning anti-kickback statutory provisions regarding long term care pharmacy services. The Board agreed to send this letter.

Ms. Gee presented the Board with a letter to Nursing Home Consultants emphasizing the consultant's requirement to report any facilities or pharmacies that violate a patient's freedom of choice for residents or refusing to offer 24 hour access to the pharmacy. The Board agreed to the letter's content.

Larry McGinnis and Gary Enderlin appeared before the Board to present the Hospital Advisory Committee Report. Dr. McGinnis inquired about two regulation changes: 1) pharmacy technicians requiring national certification and one hour of CE if they prepare IV chemo and, 2) 797 compliance. The committee will meet to discuss these changes.

Ms. Gee presented the Board with an overview of legal issues for hearing procedures.

Bob Dufour, Dan Brust and Gaylon Williams of Corizon-Pharmacor appeared before the Board to present an overview of their business operations. The Board instructed Corizon to put their request in writing for the Board.

Dr. Nathaniel Smith, MD, MPH State Epidemiologist; Dr. Jose Romero and Alisha Smith-Crabill, P.D. appeared before the Board to request a waiver to dispense pediatric zidovudine prescriptions to facilities.

**BOARD ACTION:**

Dr. Newsome made the motion to approve the request. Mr. Ross seconded the motion. The vote for the motion passed. Dr. Bryant voted nay.

Dr. Kirtley presented the Board with the administrative appeal agreement with Pharmacy Care of Arkansas, LLC.

**BOARD ACTION:**

Mr. Ross made the motion to accept the administrative appeal agreement. Dr. Newsome seconded the motion. The vote for the motion passed. Dr. Sitzes recused herself from the proceedings on this matter.

The Board discussed providing nebulizers to patients free of charge. The Board does not approve of this practice.

The Board discussed what to do in cases where facilities fail to submit change of PIC paperwork in a timely manner.

**BOARD ACTION:**

Mr. Ross made the motion to give staff the discretion to grant extensions, or issue a Consent Agreement offer if the pharmacy was not making progress in trying to identify a replacement PIC. Dr. O'Neal seconded the motion. The vote for the motion passed.

Dr. Kirtley presented the Board with the issue of 90-day supplies of medications. This issue was discussed along with the Arkansas Pharmacist's Association and pharmacists present during the meeting. The Board decided against pursuing a regulation change on this issue unless given specific statutory authority regarding rule making authority on this issue. The Board also decided to try and gather information on the public safety aspect of dispensing increased days of drug supplies in anticipation of potential legislative action on this issue in future.

Dr. Kirtley presented the Board with an update on the new pseudoephedrine regulations. The question of the quantity that can be sold on a prescription was presented by Dr. O'Neal with a discussion of the state possession limit being at 9 grams for an individual. The Board suggests that no more than 9 grams be dispensed at a time regardless of the quantity prescribed due to the state's pseudoephedrine possession limit.

Dr. Kirtley presented the Board with an Agreed Order for **Managua Hunt, #PD10949**. By signing the Agreed Temporary Order, Respondent Hunt 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:**

Dr. Bryant made the motion to accept the Agreed Temporary Orders for **Managua Hunt, #PD10949**. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Extended Probation Consent Order for **John Moix, #PD07605**. By signing this Order, Respondent Moix has agreed to have his license suspended indefinitely and must comply with the other stipulations of this Order.

**BOARD ACTION:**

Mr. Ross made the motion to accept the Extended Probation Consent Order for Dr. Moix. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Gary L. Kieffner, #PD05433**. By signing the Consent Agreement, Respondent Kieffner has agreed to perform at least 8 hours of community service as a pharmacist at a charity pharmacy clinic approved by the Board's Director.

Dr. Kirtley presented the Board with a Consent Agreement for **Randi Leah Jones, #PT95445; Willie Capers, #PD10709 and St. Bernard's Regional Medical Center, #HP00262**. By signing the Consent Agreement, Respondent Jones agrees to be placed on probation for one year from the date of this agreement; Respondent Capers agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1, 2011 and Respondent St. Bernard's Regional Medical Center has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Brandi Nelson, #PT94875; Willie Capers, #PD10709 and St. Bernard's Regional Medical Center, #HP00262**. By signing the Consent Agreement, Respondent Nelson agrees to be placed on probation for one year from the date of this agreement; Respondent Capers agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1, 2011 and Respondent St. Bernard's Regional Medical Center has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Kymberley Taylor, #PT91744; Neal Cast, #PD10856 and Walgreens #07235, #AR20357**. By signing the Consent Agreement, Respondent Taylor agrees to be placed on probation for one year from the date of this agreement; Respondent Cast agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1, 2011 and Respondent Walgreens #07235 has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Gabriel Golden, #PT94428; Janelle Douglas, #PD11151 and Walgreens #07718, #AR20388**. By signing the Consent Agreement, Respondent Golden agrees to be placed on probation for one year from the date of this agreement; Respondent Douglas agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1,

2011 and Respondent Walgreens #07718 has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Rosanna Sullivan, #PT80368; Rob Harkness, #PD06004 and Atkins Family Pharmacy, #AR14425**. By signing the Consent Agreement, Respondent Sullivan agrees to be placed on probation for one year from the date of this agreement; Respondent Harkness agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1, 2011 and Respondent Atkins Family Pharmacy has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Crystal Jones, #PT83283; Rob Harkness, #PD06004 and Atkins Family Pharmacy, #AR14425**. By signing the Consent Agreement, Respondent Jones agrees to be placed on probation for one year from the date of this agreement; Respondent Harkness agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1, 2011 and Respondent Atkins Family Pharmacy has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Sara Benafield, #PT92962; Michael McFarlin, #PD8713 and McFarlin Pharmacy, #AR20375**. By signing the Consent Agreement, Respondent Benafield agrees to be placed on probation for one year from the date of this agreement; Respondent McFarlin agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1, 2011 and Respondent McFarlin Pharmacy has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Benjamin Spillyards, #PT96513; Dell McCarley, #PD07487 and Cantrell Drug, #AR17419**. By signing the Consent Agreement, Respondent Spillyards agrees to be placed on probation for one year from the date of this agreement; Respondent McCarley agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1, 2011 and Respondent Cantrell Drug has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Amber Crawford, #PT95663; Eddie Glover, #PD06232 and U.S. Compounding, #AR20503**. By signing the Consent Agreement, Respondent Crawford agrees to be placed on probation for one year from the date of this agreement; Respondent Glover agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1, 2011 and Respondent U.S. Compounding has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

Dr. Kirtley presented the Board with a Consent Agreement for **Wilma Keller, #PT80920; Greg Cooper, #PD05863 and Kavanaugh Pharmacy, #AR04183**. By signing the Consent Agreement, Respondent Keller agrees to be placed on probation for one year from the date of this agreement; Respondent Cooper agrees to pay a monetary penalty of five hundred dollars (\$500) to the Board on or before October 1, 2011 and Respondent Kavanaugh Pharmacy has agreed to pay a monetary penalty in the amount of one thousand dollars (\$1,000.00) to the Board on or before October 1, 2011.

**BOARD ACTION:**

Dr. Boyd made the motion to accept the Consent Agreements for each licensee. Dr. Bryant seconded the motion. The vote for the motion passed.

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

- **Brittany Renee Clark, #PT97452**
- **Latina Williams, #PT90090**
- **Robert Scott Shell, #PT97255**
- **Joseph James Maupin, #PT96753**
- **Nathan Todd McMurry, #PT96735**
- **Sharron Kay Grantham, #PT93637**
- **Kenesha Marshanette Turner, #PT95175**

**BOARD ACTION:**

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

Dr. Kirtley presented the Board with the topic of drug losses in the pharmacy setting. The Board discussed setting up an in-service for pharmacists that are interested in attending to discuss topics such as shrink reports, audit procedures and the responsibilities for pharmacy permit holders and pharmacists in the prevention and detection of prescription drug losses.

The Board went into Executive Session to discuss the position of the Assistant Director.

**BOARD ACTION:**

Dr. Bryant made the motion to grant the Executive Director permission to extend an offer to an individual and work with DFA on the salary. Mr. Ross seconded the motion. The vote for the motion was unanimous.

Ms. Brown presented the Board with the new reporting requirements for the agency as required in Act 303, which establishes the Arkansas Financial Transparency Project.

Dr. Kirtley informed the Board that it was time for the Arkansas Board to host the District 6, 7 & 8 annual meeting.

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