

**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 February 10-11, 2004. The meeting was held at the Board of Pharmacy office, 101 East Capitol, Suite 218, Little Rock, Arkansas.

**Tuesday February 10, 2004**

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

**BOARD ACTION:**

Dr. Bowden made the motion that the minutes of the October 2003 Board Meeting be approved as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

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

The Board interviewed candidates for Reciprocity. Each applicant was asked a series of questions, including: 1) "Why are you seeking licensure in Arkansas?" 2) "Have you ever appeared before a licensing board for disciplinary action?" 3) "Do you, or have you ever had a problem with drugs or alcohol?" The following candidates were present:

Samantha Akins	Cinda Bates	Clyde Butler
Raymond Carvajal	Lane Cheramie	Robert Crosby
Robert Cuthbert	Tiffany Goeller	Patrick Hanegan
Teresa Jackson	Arthur Konialian	Norman Lazar
Emery Lott	Michele Martin	Lisa Miller
Timothy Orr	Carol Petersen	Steward Riggenschach
Joseph Schaneville	Christen Stotts	William Torres
Roland Wade		

**BOARD ACTION:**

Dr. Norris 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. 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 at the beginning of the biennium, they would be responsible for meeting Arkansas' CE requirements for 2004-2005.

Dr. Campbell told the Board that the Compounding Committee, chaired by Ronnie Norris, met to discuss the new compounding regulation that was passed at the October 2003 Board meeting. Dr. Norris discussed the findings of the Compounding Committee with the Board. He reminded the Board that there were some pharmacists who had some concerns about the compounding regulation when it was promulgated. He said the committee has some questions for DEA that require an interpretation at the national level. He also said that at the next committee meeting they will be addressing three issues: 1) the current regulation, 2) the pain management situation, and 3) they will work out the issues the veterinarians have with the regulation. Dr. Norris said the regulation was a complicated issue, but that the committee is made up of clear thinkers and he believes the regulation will remain intact.

Dr. Campbell added his comments regarding the committee meeting and the issues regarding pain management. He stated the DEA has not defined dosage unit. He also discussed whether or not an entity would have to license with DEA as a wholesaler because pharmacies are resisting this procedure. Dr. Campbell told the Board that the veterinarians want to salvage their ability to purchase compounded drugs for office stock. He told the Board that the Board of Pharmacy may end up before agriculture rather than public health as the committee of referral by ALC – Administration of Rules and Regulations.

Dr. Gardner passed out a new Compounding Inspection Form designed by the office staff. He said he designed the form based on the current compounding regulation. He told the Board that he and Dr. Myatt inspected two pharmacies based on the new inspection form. He reported that one pharmacy said everything was patient specific and the other pharmacy had 222's and was patient specific, which meant that the dispensing had been recorded twice and would result in an erroneous inventory. He said they talked with the pharmacists and explained to them the regulation and inventory requirements. He said they did not issue any warnings, but talked to the pharmacists about what the Board expected. Dr. Gardner said he planned to put something in the Board of Pharmacy Newsletter regarding the designation of compounded prescription on prescription labels.

Dr. Campbell said the Board staff should communicate to the pharmacies in a non-punitive manner because there has been some confusion. He said they would review the procedures and tell compounders that they may be violating federal law. He also told the Board that staff would use the new Compounding Inspection form along with the regular inspection form on any pharmacy that is compounding.

Tom Gay gave the Board a brief history of the IVESCO hearing from February 2003, at which time the Board imposed a \$70,000 fine. He reminded the Board that IVESCO has appealed the fine. Sara Israel, an attorney with Mitchell Williams Law Firm, appeared before the Board on behalf of IVESCO. Ms. Israel explained that during the IVESCO hearing Mr. Higdon gave the

Board the wrong monetary figures when asked how much profit IVESCO made on sales into Arkansas. Therefore, the Board may have based their fine on a figure that was wrong. Ms. Israel told the Board that the company hired an independent accountant and he signed an affidavit stating that the company suffered a loss. She asked the Board to adjust the monetary penalty based on the corrected sales figures so they could settle.

**BOARD ACTION:**

Dr. Autry made the motion that in the matter of IVESCO the Board reduce the \$70,000 monetary penalty to \$56,000 for the purpose of a settlement. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Margaret Lincourt discussed the requirements in a section of Regulation 9 – Diabetes Self-Management Education. Ms. Lincourt told the Board that the regulation indicates that the Arkansas State Board of Pharmacy certifies pharmacists in diabetes self-management, which is not true. She said there are national requirements for this program which our regulation does not match. She also that that most of the pharmacies that are certified are hospitals and clinics – there is only one retail pharmacy in Arkansas that has a national certification. Ms. Lincourt told the Board that even if the pharmacies were state board certified it would not entitle them to any benefits – they would have to be certified through the American Diabetes Association. The Board discussed the issue and determined that they would have no problem taking this section out of the regulation as long as the legislators do not have a problem with it.

Ms. Lincourt also discussed the regulation regarding Disease State Management. She told the Board that Arkansas is the only state in the country that requires a practical examination. She said the regulation should be reviewed and reworked to coordinate with NABP and NISPC.

**BOARD ACTION:**

Mr. Holiman made the motion to remove the practical examination and clean up the language in the regulation in order to present the changes in a public hearing at the June Board meeting. Dr. Autry seconded the motion. The vote for the motion was unanimous.

Ms. Lincourt told the Board that the current Durable Medical Equipment regulation does not mention change of ownership requirements. She said the fees are already in place but that there is no language in the regulation.

**BOARD ACTION:**

Dr. Bowden made the motion to approve the changes to the Durable Medical Equipment regulation with regards to change of ownership and present the changes in a public hearing at the June Board meeting. Dr. McGinnis seconded the motion. The vote for the motion was unanimous.

Dr. Gardner provided the Board with a “Hearing Score Sheet.” He said the sheet would eliminate possible mistakes between the minutes, attorneys, transcripts, and findings of fact for each hearing.

Ms. Lincourt updated the Board regarding the new licensing software. She said that the licensing boards (including the Board of Pharmacy) that were planning to purchase the software chose the company GL Suites to provide them with their program. She said the committee has stopped their regular weekly meetings and are now waiting on the State Department of Information Systems to reach an agreement with GL Suites in order to host the program.

**Lesnia DeGood, P.D., #9220** appeared before the Board in answer to an Order and Notice of Hearing. The allegations in this case were that Dr. DeGood created a fictitious prescription for her husband, not providing adequate security for the pharmacy, and failing to perform a biennial inventory in a timely manner. Dr. Newsome called the meeting to order and turned the proceedings over to the Hearing Officer, Karen Diner. Tom Gay, of the Attorney General's Office, represented the Board staff, and Chet Dunlap represented the respondent.

Mr. Gay called on Tommy Crawford to testify in the hearing. Mr. Crawford is a drug task force officer with the Jonesboro Police Department. Mr. Crawford said he appeared in court in the matter of Robert DeGood because Mr. DeGood had been charged with possession of a Schedule IV controlled substance with intent to deliver. He said Mr. DeGood said he had a prescription for the Alprazolam which gave him the lawful right by prescription to possess the Alprazolam. Mr. Crawford then testified regarding his investigation of Lesnia DeGood. He said he went to the pharmacy where Dr. DeGood is employed to obtain the original record of the prescription for Robert DeGood. He said at first Dr. DeGood said she could not find the record and after he asked her if he could look for it himself she admitted that she changed the prescription to reflect that it was written for her husband.

Mr. Gay then called on Jim Myatt to testify. Dr. Myatt testified regarding Dr. DeGood's licensing history and the scheduling of Alprazolam. He said the investigation began when he received a phone call from Officer Tommy Crawford. He said he was then instructed by Dr. Campbell to perform an audit at the pharmacy where Dr. DeGood is pharmacist in charge. Dr. Myatt said there was a big shortage of Alprazolam and Dr. DeGood told him that it was possible the inventory was short because the door to the pharmacy is unlocked at times and other people have access to the pharmacy.

Mr. Dunlap then called on Lesnia DeGood to testify. He advised her that anything she said at the hearing could be used to prosecute her at a later date in court. Dr. DeGood said her husband called her at the pharmacy and asked her to check her computer to see if he had an Alprazolam prescription on file. When she told him that he did not have a prescription he told her he was about to be sent to jail if she didn't help him. She said she altered a prescription to make it seem as if it was written for Robert DeGood. She testified that her husband had prescriptions for Alprazolam in the past and that he had been diagnosed with obsessive-compulsive disorder. Dr. DeGood also said that she believed the Alprazolam was missing from her inventory because the delivery drivers took it. She said it was located by the door of the pharmacy and it was out of her sight.

**BOARD ACTION:**

Ms. Capps made the motion that in the matter of Lesnia DeGood, P.D., #9220, allegations A-1, A-2, A-3, A-4, A-5, A-6, and A-7 were found to be true, and charges C-1, C-2, C-3, C-4, C-5, and C-6 were proven. Therefore, Dr. DeGood's Arkansas pharmacist license is revoked effective February 10, 2004. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Dufour said that he was concerned that a member of management from Price Chopper Pharmacy was not present for Dr. DeGood's hearing. The Board said that they would like for a representative from Price Chopper to appear in an informal meeting at the next Board meeting.

**James Jones, P.D., #5368** appeared before the Board to ask that his Arkansas pharmacist license be reinstated. Dr. Newsome called the meeting to order and turned the proceedings over to the Hearing Officer, Karen Diner. Tom Gay, of the Attorney General's Office, represented the Board staff – the respondent was not represented by counsel. Sharon Capps was not present for this hearing.

Mr. Gay called Jim Myatt to testify. Dr. Myatt testified regarding Dr. Jones' licensing history. Dr. Myatt told the Board that Dr. Jones had had past disciplinary actions taken against his Arkansas license because of drug shortages and poor record keeping.

Mr. Gay then called on Joe Lewis, chief inspector of the Texas State Board of Pharmacy to testify via speakerphone. Mr. Lewis stated that an audit was conducted at a pharmacy that was partially owned by Dr. Jones. He said the audit reflected a shortage of over 150 gallons of promethazine with codeine cough syrup and that Dr. Jones kept very poor records. He said that Dr. Jones' Texas pharmacist license was suspended for one year. He said the license has since been reinstated, however he remains on probation through November 2004.

Dr. Jones testified on his own behalf. He told the Board that he got caught up in a bad situation in Texas, but that he had paid for his mistakes over the years. He said he has moved back to Arkansas and would like to be able to practice pharmacy again in the state. He also said that he doesn't intend to open a pharmacy of his own, and that he has a job in a hospital pharmacy contingent upon getting his Arkansas pharmacist license reinstated.

**BOARD ACTION:**

Dr. Norris made the motion that in the matter of James Jones, P.D., #5368, allegations A-1, A-2, A-3, A-4, A-5, and A-6 were found to be true, and charges C-1 and C-2 were proven. Therefore, Dr. Jones' request to be reinstated is denied due to the probation in another state. Dr. Autry seconded the motion. The vote for the motion was unanimous.

**Wednesday, February 11, 2004**

The meeting was called to order by Lenora Newsome, P.D., President. Members present were Larry Autry, P.D.; Buddy Bowden, P.D.; Sharon Capps, RN; Bob Dufour, P.D.; Ross Holiman, B.S., H.Ed.; Larry McGinnis, Pharm.D.; and Ronnie Norris, P.D. Staff members present were

Charles Campbell, Pharm.D., Executive Director; Trey Gardner, Pharm.D., Assistant Director; Margaret Lincourt, Chief Fiscal Officer; Lana Broyles, Administrative Assistant; Ron Ewing, P.D.; Rusty McSpadden, P.D.; and Jim Myatt, P.D.

Dr. Gardner presented a Consent Order for **Yao Kondo, P.D., #8105**. Dr. Gardner said the Consent Order was signed with regard to the violation of a continuing education Consent Order from the October 2002 Board meeting. He said Dr. Kondo has shown proof of the required continuing education and has paid a fine.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Consent Order for Yao Kondo, P.D., #8105 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with a draft of the State Board of Pharmacy Committee Review/Informal Settlement and discussed the proceedings for the informal Board hearings. The Board discussed the procedures and stated that the president of the Board should not be part of the informal hearings.

**BOARD ACTION:**

Dr. McGinnis made the motion that the draft for the State Board of Pharmacy Committee Review/Informal Settlement be accepted as presented with the exception of excluding the language regarding "least experienced" Board member. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Gardner presented a Consent Order from the Committee Review hearing on January 28, 2004 for **Hal White, P.D., #7749**. Dr. White signed the Order agreeing to a two-year suspension of his pharmacist license from the date of the Order, a monetary penalty of \$1,000 payable within thirty days of the date of the Order, an appearance before the Board to reinstate his pharmacist license, and his license shall be on probation for three years upon reinstatement.

**BOARD ACTION:**

Mr. Holiman made the motion to accept the Consent Order for Hal White, P.D., #7749, as presented. Dr. Dufour seconded the motion. The vote for the motion was unanimous.

Dr. Gardner presented a Consent Order from the Committee Review hearing on January 28, 2004 for **Aubrey Harton, P.D., #9118; David King, P.D., #5321; and Tanglewood Drug Store, #AR-18118**. Each respondent signed the Order agreeing to one year of probation for Dr. Harton and Dr. King, a monetary penalty of \$500 payable within 30 days of the date of the Order for Dr. Harton, a monetary penalty of \$500 payable within 30 days of the date of the Order for Tanglewood Drug Store, and Dr. King shall obtain the Board's Executive Director's approval of Tanglewood Drug Store's policy and procedures manual within 10 days of the date of the Order.

**BOARD ACTION:**

Dr. Dufour made the motion to accept the Consent Order for Aubrey Harton, P.D., #9118; David King, P.D., #5321; and Tanglewood Drug Store, #AR-18118, as presented. Ms. Capps seconded the motion. The vote for the motion was unanimous.

Dr. Gardner told the Board that when the Findings of Fact from the Walgreens pharmacy hearing in October 2003 were sent out, it was questioned by the respondents. He said that the decision from the hearing has been appealed, but that it has been stayed pending the approval of the Amended Findings of Fact, Conclusions of Law and Order by the Board. Dr. Gardner said that in the matter of **Matthew Paden, P.D., #7904; Rana Rakab, Pharm.D., #9734; and Walgreens Pharmacy #5993, #AR-20257** the respondents Dr. Paden and Dr. Rakab shall each pay a monetary penalty of \$1,000, and that Walgreens Pharmacy #5993 shall pay a monetary penalty of \$500 by February 27, 2004, and Dr. Paden, Dr. Rakab, and Walgreens Pharmacy #5993 shall each have their licenses placed on one year of probation.

**BOARD ACTION:**

Dr. Dufour made the motion to accept the Amended Findings of Fact, Conclusions of Law and Order for Matthew Paden, P.D., #7904; Rana Rakab, Pharm.D., #9734; and Walgreens Pharmacy #5993, #AR-20257, as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Gardner presented a Consent Order from the Committee Review hearing on January 28, 2004 for **Melinda Randle, P.D., #7690; Byron Litchford, P.D., #9727; and Walgreens Pharmacy #5475, #AR-20256**. Each respondent signed the Order agreeing to one year of probation for Dr. Randle, Dr. Litchford, and Walgreens Pharmacy #5475; a monetary penalty of \$1,000 payable within 30 days of the date of the Order for Dr. Randle, a monetary penalty of \$1,000 payable within 30 days of the date of the Order for Dr. Litchford; and a monetary penalty of \$2,500 payable within 30 days of the date of the Order for Walgreens Pharmacy #5475.

**BOARD ACTION:**

Dr. Dufour made the motion to accept the Consent Order for Melinda Randle, P.D., #7690; Byron Litchford, P.D., #9727; and Walgreens Pharmacy #5475, #AR-20256, as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Gardner presented the Board with an Agreed Temporary Order for **John McClendon, P.D., #6686**. Dr. McClendon signed the order, and agreed not to practice as an Arkansas pharmacist or be physically present in the prescription department of a pharmacy until he appears before the Board or agrees to a Consent Order.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Agreed Temporary Order for John McClendon, P.D., #6686 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Gardner presented the Board with an Agreed Temporary Order for **Mikki Davis, Pharmacy Technician #87253**. Ms. Davis signed the order, and agreed not to practice as an Arkansas pharmacy technician or be physically present in the prescription department of a pharmacy until approved by the Board.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Agreed Temporary Order for Mikki Davis, Pharmacy Technician #87253 as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Gardner presented a signed Affidavit of Surrender for **Gary Shipley, P.D., #7417**. Dr. Shipley violated his Consent Order and Support Group contract. Dr. Gardner said that for all intents and purposes, this is a revocation.

**BOARD ACTION:**

Mr. Holiman made the motion to accept the Affidavit of Surrender for Gary Shipley, P.D., #7417, as presented. Dr. Autry seconded the motion. The vote for the motion was unanimous.

Dr. Gardner presented a signed Affidavit of Surrender for pharmacy technician **Heather Vick, #88501**. Ms. Vick has admitted to stealing controlled substances from a pharmacy at which she was employed for her own personal use. Dr. Gardner said that for all intents and purposes, this is a revocation. Dr. Dufour recused himself from this proceeding.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Affidavit of Surrender for pharmacy technician Heather Vick, #88501 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

A Public Hearing on Regulations was called to order at 9:30 a.m., as published.

**Regulation 02 – Pharmacists**

The proposed changes to this regulation will clarify the criminal background check procedures of the application process for pharmacists and pharmacy interns.

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

**BOARD ACTION:**

Mr. Holiman made the motion to approve the amendment to Regulation 02 as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

**Regulation 11 – Criminal Background Checks**

The proposed changes to this regulation will clarify the criminal background check procedure of the application process for pharmacists, pharmacy interns, and pharmacy technicians.

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

**BOARD ACTION:**

Dr. Norris made the motion to approve the amendment to Regulation 11 as presented. Dr. McGinnis seconded the motion. The vote for the motion was unanimous.

Mark Riley and Robyn Koch from the Arkansas Pharmacists Association appeared before the Board to discuss the requirements which allow pharmacists to administer immunizations. The current regulation requires a 20-hour certification program in addition to CPR training. Ms. Koch said that most national programs are 12-hour programs. She also said that the Arkansas Pharmacists Association uses the same program as the Washington Pharmacists Association, which is a 12-hour program. Therefore, since Arkansas regulation requires 20 hours of certification they have an eight-hour home study program. Ms. Koch said that there are 37 states that allow immunizations to be given by pharmacists. The current template which most states go by consists of: 1) eight hours of didactic material, 2) four hours of live practicum, and 3) a CPR program that is a minimum of four hours. The Board discussed the proposed changes and decided that the public would not be in danger if the program was reduced from a 20-hour requirement to a 12-hour requirement.

**BOARD ACTION:**

Dr. Autry made the motion to change to current immunizations requirements from 20-hours to an ACPE Certificate Program, but not less than 12 hours. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Cindy Stowe, along with Dr. Gardner, presented the Board with a proposed amendment to Regulation 09-00-0002 – Prescription Orders to Administer Medication and/or Immunization. Dr. Gardner said that the changes in the language of the regulation would agree with the language in the statute. The amendment will require pharmacists to maintain certain records for a period of two years. Including, but not limited to: the authority to administer, a signed patient consent form, and the lot number of the medication or vaccine.

**BOARD ACTION:**

Mr. Holiman made the motion to accept the proposed amendment as presented, with the exception of changing “should” to “shall” in section (d) of the regulation, in order to present the changes in a public hearing at the June Board meeting. Dr. McGinnis seconded the motion. The vote for the motion was six members voted for the motion and one member voted against the motion.

Dr. Stowe also presented the Board with a prototype of an Authority to Administer Immunizations/Vaccines. She said she gets many calls requesting this type of form. She also said that it is a generic consent form and it can be reproduced without any worry regarding copyright laws. Dr. Stowe told the Board that it is a resource that pharmacists can use, but it is not mandatory. The Board decided that it would be a good idea to make the form available on the Arkansas State Board of Pharmacy website.

Neil Phelan, P.D., appeared before the Board to ask the Board to change the 40-hour minimum work week from a strict 40-hour limit to a percentage of the hours that a pharmacy is open. Dr. Phelan told the Board that reducing the number of hours that a pharmacist in charge is required to be on duty will not reduce the amount of control that the pharmacist in charge has over the pharmacy, but would allow independent pharmacies to evolve into special entities of pharmacy services. After much discussion, the Board appointed Bob Dufour to chair a committee to consider the matter and to propose a regulation change. Dr. Phelan stated that he would like the opportunity to be a part of the committee.

Robert Teeter, P.D., appeared before the Board in order to request the Board's approval in allowing him to return as the pharmacist in charge of his pharmacy. He told the Board that he has been working 40 hours a week in the pharmacy and that he believes he is ready to take on the responsibility of being the pharmacist in charge. Kim Light and Mike Frost from the Arkansas Pharmacy Support Group were present in support of Dr. Teeter. Dr. Frost said that Dr. Teeter has received complete advocacy of the Support Group.

**BOARD ACTION:**

Dr. Autry made the motion to allow Robert Teeter, P.D., to be the pharmacist in charge of his pharmacy. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Jerry Warden Bates, a California pharmacist, appeared before the Board to request an exemption from taking the NAPLEX to be licensed as a pharmacist in Arkansas. At this time California does not reciprocate with Arkansas and Mr. Bates said his only other option is to take the NAPLEX. The Board told Mr. Bates that they do not have the statutory authority to grant his request.

Dennis Moore, P.D., a pharmacist with White River Medical Center, appeared before the Board to request the authority to review orders for the Stone County Medical Center Pharmacy from the White River Medical Center. Dr. Moore said he would like to install the Pyxis Connect system in order to be able to improve the delivery of services to the patients of Stone County Medical Center. Ron Ewing, P.D., told the Board that it would be an added benefit from a patient care standpoint. The Board discussed the issue and said they would like the Hospital Advisory Committee to become involved.

**BOARD ACTION:**

Dr. McGinnis made the motion to approve the installation of a Pyxis Connect system in the Stone County Medical Center Pharmacy to be operated from the White River Medical Center Pharmacy as a pilot program. The Board inspectors are directed to periodically review this system. Ms. Capps seconded the motion. The vote for the motion was unanimous.

Mike Riddle, Pharm.D., with Cardinal Health, appeared before the Board to discuss after-hour procedures in hospital pharmacies. Dr. Riddle said his company provides a service called Rx-source which allows hospitals to transmit medication orders to an off-site pharmacy service

center where pharmacists can review, enter, and approve the orders during times the pharmacy is closed. He told the Board that his company has received approval from 34 states to perform this service. He said the company is licensed as an out of state pharmacy with most of those 34 states. Dr. Riddle explained to the Board that the company does have a contractual agreement with every hospital at which this service is provided, and that they would alert the Board each time they get a new agreement with a hospital. Dr. Ewing said he would like to see every out of state pharmacist performing this service to be licensed in Arkansas – not just the pharmacist in charge.

**BOARD ACTION:**

Dr. Dufour made the motion to create a committee, with Larry McGinnis as chairman, which must include a representative from the Hospital Advisory Group to study this procedure. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Lou Elsaesser, with Telepharmacy Solutions, Inc., appeared before the Board to discuss telepharmacy. He said that his company does not provide the service – they sell the technology which allows pharmacists to capture and dispense prescriptions, to increase prescription fill rates, and improve patient safety while at the same time reduces the overall cost of care. Dr. Dufour said before the Board considers this matter, he would like for Dr. Gardner and an inspector to go see one of these systems. He also voiced his concerns regarding counseling.

Jerry Stephens, P.D., and Charles Ivy, P.D., appeared before the Board to discuss the same type of procedure that Mike Riddle from Cardinal Health discussed with the Board earlier. Dr. Ivy said the major difference between him and Cardinal is that he is already licensed by the Arkansas State Board of Pharmacy. Dr. Ivy said he would like to be on the committee when it is formed by Dr. McGinnis.

**BOARD ACTION:**

Dr. Bowden made the motion to approve expense reimbursement for each Board member for performing official board duties at the rate established for state employees by travel regulations.

In addition, a stipend of \$85.00 per day shall be paid to the members of the Board for attendance at Board meetings.

The Board also requests that the travel reimbursement for hotel expenses be allowed to exceed the in-state rate.

Meetings will include:

- NABP Annual Meeting
- MALTA-GON Meeting
- Arkansas Pharmacists Association Annual Meeting
- District VI – NAPB
- Midwest Conference
- Utah School of Drug Abuse

- Board of Pharmacy Meetings – three regular and any called meeting
- Board of Pharmacy Interim Meetings – as needed
- State Controlled Substance Authority Meeting
- Conference on State Government
- Executive Officer’s Conference – NABP

Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Ms. Lincourt discussed the agency travel policies with the Board. She discussed the transportation section of the rules and informed the Board that when traveling out of state, if the Board member chooses to drive, state policy does not allow her to pay for mileage over the cost of an airline ticket. She told the Board that even though she increased the Board’s travel budget by \$6,000, she could only pay for four Board members to attend the NABP annual meeting in Chicago. Dr. Campbell said that Dr. McGinnis had been named to serve on the Resolution Committee and that he would definitely need to attend the meeting. He then asked the Board President, Lenora Newsome, to provide him a list of the other three members that would be attending the meeting.

**Scott Pollock, P.D., #7506** appeared before the Board in answer to an Order and Notice of Hearing. The allegation in this case is that Dr. Pollock’s Oklahoma pharmacist license has been suspended by the Oklahoma State Board of Pharmacy. Dr. Newsome called the meeting to order and turned the proceedings over to the Hearing Officer, Karen Diner. Tom Gay, of the Attorney General’s Office, represented the Board staff – the respondent was not represented by counsel.

Tom Gay told the Board that Dr. Pollock said he agreed to admit to Allegations A-1, A-2, and A-3 in the Order and Notice of Hearing and with his admission the Board rests their case.

Dr. Pollock then testified on his own behalf. He told the Board that he was taking drugs from the Altus Air Force Base pharmacy to deliver to relatives in Arkansas for their personal use. He said he wasn’t stealing scheduled drugs, but he was taking items like antibiotics that his family needed but could not afford. He told the Board that he has already been punished by the Air Force and the Oklahoma Board of Pharmacy for his crimes and he would like the Board to consider letting him retain his Arkansas license.

**BOARD ACTION:**

Ms. Capps made the motion that in the matter of Scott Pollock, P.D., #7506, allegations A-1, A-2, and A-3 were found to be true, and charges C-1, and C-2 were proven. Therefore, Dr. Pollock’s Arkansas pharmacist license is to be placed on probation for five years, during the first two years of probation he cannot be the pharmacist in charge of a pharmacy, and he must retake the Arkansas Jurisprudence examination before June 1, 2004. Dr. Autry seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Ms. Capps made the motion to give Dr. Campbell and Mr. Gay the authority to provide a Consent Order to IVESCO accepting the \$56,000 settlement. Dr. Autry seconded the motion. The vote for the motion was unanimous.

Dr. Dufour told the Board that he contacted ProMetrix regarding rewriting and administering the current Arkansas Jurisprudence Examination. He said that ProMetrix was not very responsive and he did not believe it was an option. He told the Board that he believed the only options were to go with the MPJE through the National Association of Boards of Pharmacy or to make up our own examination and continue to administer it the way it is currently being administered. After some discussion, the Board directed Dr. Gardner to assume responsibility for rewriting the Preceptor and Pharmacist in Charge examinations, and they directed Ms. Lincourt to form a committee to rewrite the Arkansas Jurisprudence Examination. They said the law test should be ready for the third year pharmacy students to take it this spring.

Ms. Lincourt informed the Board that most of the applications have been redone. She said they were very outdated and did not have any questions with regard to the Criminal Background Checks. She provided a copy of the Pharmacy Technician application to the Board along with a memo to pharmacists notifying them that Criminal Background Check Regulation goes into effect on March 1. The Board said they thought it was a good idea to provide the pharmacies with extra applications.

The Board discussed the location of the June Board meeting. Dr. Gardner informed the Board that the annual Arkansas Pharmacists Association Convention would be held at the Double Tree Hotel in Little Rock. He asked the Board if they would like to have the June Board meeting at the Double Tree or at the Board of Pharmacy office. The Board said they would like to have the meeting at the Double Tree.

Dr. Gardner told the Board that the Arkansas Department of Health along with UAMS are going to prohibit the use of all tobacco products on the facility grounds. He said that Clyde Frazier, P.D., a pharmacist with the Arkansas Department of Health, submitted a request to the Pharmacy Services Department to provide cessation assistance by providing Zyban and nicotine nasal spray and inhalers.

**BOARD ACTION:**

Dr. Autry made the motion to approve Dr. Frazier's request to provide cessation products as requested until the \$5,000 fund for the program is exhausted. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Gardner provided the Board with a draft of a Student Health Clinic Pharmacy Permit Regulation. He talked to the Board about creating a Specialty Pharmacy Permit that they could function under with the possibility of requiring a formulary. The Board said that they would not be able to require a formulary, but that the hours of operation must be approved by the Board.

Ms. Lincourt told the Board that she received a call from a Florida graduate who wanted to have her NAPLEX scores transferred from Florida to Arkansas. She said that currently the NAPLEX Bulletin reflects that Arkansas does not score transfer with Florida and Florida does not transfer with Arkansas. Ms. Lincourt said she contacted the Florida Board of Pharmacy and believes that they are misinterpreting the term "score transfer."

**BOARD ACTION:**

Dr. Dufour made the motion that the Arkansas State Board of Pharmacy will accept NAPLEX scores transferred from Florida regardless of whether or not Florida accepts scores transferred from Arkansas. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Campbell told the Board that they should review the List I Chemical Suspicious Order Regulation and Statute before the next Board meeting. He said there have been many issues in the office with regard to List I Chemical licensees.

Dr. Campbell discussed compounding of commercially available product. He said there have been situations where a pharmacist is taking an 80mg commercially available product, when there is a 20mg product available, and crushing it up and making it into a 20mg gel capsule with no fillers or anything else in it. Dr. Campbell asked the Board if it was compounding. He told the Board that there is no regulation against tablet splitting and asked what the difference is between the two. The Board said the standard response is that you cannot compound commercially available product, but the Board was split on who thought it was compounding and who did not think it was compounding. Dr. Campbell asked the Board to email him a response by February 13.

Dr. Gardner and Tom Gay presented the Board with a form to calculate multiple violations at a maximum penalty of \$500 per violation. The form was created to avoid arguments that the Board imposed a \$2,500 fine for one violation. Dr. Gardner said the form would be provided to be used by the Board during hearings.

Dr. Gardner gave the Board a retail pharmacy inspection tracking report. He said that in October 2002, 28 percent of pharmacies had not been inspected within 18 months, but by February 2004 only seven percent of the pharmacies in Arkansas had not been inspected within the past 18 months. The Board said the Board of Pharmacy staff was doing a good job of getting the pharmacies inspected.

The meeting was adjourned.

Prepared By:

Approved for the board:

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Lana Broyles

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Lenora Newsome, P.D., President

