

**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 February 12 – 13, 2008. The meeting was held at the Board office at 101 E. Capitol, Ste. 218, Little Rock, AR 72201

**Tuesday – February 12, 2008**

The meeting was called to order by Bob Dufour, P.D., President. Members present were Buddy Bowden, P.D.; Lenora Newsome, P.D.; Benji Post, P.D.; Ronnie Norris, P.D.; Marilyn Sitzes, P.D.; Sharon Capps, R.N.; 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 Inspector C.C. Frazier, Jr.

**BOARD ACTION:**

Mr. Holiman made the motion that the minutes of the October 2007 Board Meeting be approved as amended. Dr. Norris seconded the motion. The vote for the motion was unanimous.

The financial report was discussed.

**BOARD ACTION:**

Dr. Newsome 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 and informal conferences. The Board also requests that the reimbursement for hotel expenses be allowed to exceed the in-state rate. Dr. Norris seconded the motion.

- Board Committee Meetings
- NABP Annual Meeting
- NABP Fall Conference
- 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

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

Carrie Assar	Brandy Freed	Brian Shaw
Dianne Cain	Darvis Harvey	Ronald Shockey
Wayne Carpenter	Darlene Hildebrandt	Kevin Thuro
Joseph Dupre	Jerod Jewell	
Kari Evans	Arthur McFarland	

**BOARD ACTION:**

Dr. Post made the motion to approve the above applicants for reciprocity licensure in Arkansas pending the completion of the application process. Mrs. Capps 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:

Shelley Albert	Anthony Grzib	Daniel Newton, Jr.
Michael Blaire	Maria Johnson	Terrence Otani
Kelly Buehler	Alan Kanning	David Petrillo
Willie Capers, II	Scott Kauffman	James Schumacher
Angela Chen	Penny King	Michael Simeoni
Mark Clemmensen	Kathleen Kokoski	David Sorenson
John Corcoran	Surdeep Kulkarni	Amy Williams
Jonathan Dodd	Elizabeth Lempert	Mei Len Yeh
Catherine Fordham	Kamini Mahatma	
Lana Gore	Travis Manning	

**BOARD ACTION:**

Mr. Holiman made the motion to approve the above applicants for reciprocity licensure in Arkansas. Dr. Norris 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 they would each be responsible for 30 hours of CE, of which 12 hours must be live patient care or drug therapy at the time of their renewal.

The Board discussed forming a task force with the Veterinary Board to discuss the business models of veterinary facilities requesting licensure with the state. Mrs. Capps,

Dr. Norris, one member of staff and ASBP legal counsel will make up the task force for the ASBP.

Mrs. Morrissey gave an update of the success of on-line renewals.

The topic of extending Brenton Field's temporary pharmacist license was discussed. Due to extenuating circumstances, Mr. Field could not attend the Board meeting and was requesting an extension.

**BOARD ACTION:**

Mrs. Capps made the motion to extend Mr. Field's temporary license to the June Board meeting, or the next Informal Conference, whichever comes first. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Jimmy Turner appeared before the Board requesting reduced operating hours for **Home I.V. Specialists, Inc. (#AR19641)**.

**BOARD ACTION:**

Dr. Post made the motion that the request for Home I.V. Specialists, Inc. be denied. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

The Board discussed the matter of approving CE for PGY1 programs. These are residency programs within the first year post graduation.

**BOARD ACTION:**

Dr. Norris made the motion to accept PGY1 programs as continuing education. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The Board discussed whether or not to have more lenient penalties for pharmacists that self-report CE violations than pharmacists caught perjuring themselves.

**BOARD ACTION:**

Dr. Norris made the motion that the current formula remain in place for all pharmacists with CE violations, that being a fine of \$100 per hour missed up to a maximum of \$500 and submitting double the number of hours missed within the previously used timeframe or within 90 days if there was no precedent on this. Dr. Post seconded the motion. The vote for the motion was unanimous.

The Board then discussed whether or not to demand an appearance before an informal conference for a person that has perjured themselves.

**BOARD ACTION:**

Dr. Post made the motion that it be left up to staff discretion as to whether or not someone should fall under the title of dishonorable conduct and levy an extra \$1,000 fine. The person would then be given the choice of signing a consent

order and paying the fine or appearing at an informal conference. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The audit process and future audits were discussed.

Willie Capers, II appeared before the Board requesting to participate in the off-site order entry program for **St. Bernard's Behavioral Health Services (#HP01110)** and **St. Bernard's Regional Medical Center (#HP00262)**.

**BOARD ACTION:**

Dr. Post made the motion that the Board approve the request by Mr. Capers. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

Dr. Larry McGinnis and Dr. Garry Enderlin appeared before the Board on behalf of the Hospital Advisory Committee to discuss changes to the Hospital PIC regulation and a study on tech-check-tech at Arkansas Children's Hospital. They agreed to meet back at the next meeting to give an update on the tech-check-tech study.

Joe Lucas appeared before the Board on behalf of Cardinal Nuclear Pharmacy requesting approval of a proposed plan for storing scanned images of prescriptions.

**BOARD ACTION:**

Dr. Newsome made the motion that the Board accept the proposal by Cardinal Nuclear Pharmacy to use an automated system for electronic record keeping. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Gary Russell, #PD05402**. By signing the order, Dr. Russell has agreed to the suspension of his pharmacist license for seven days, to retake the Arkansas Jurisprudence Exam by June 30, 2008; pay a monetary fine of \$10,000 to the Board on or before February 1, 2009 and have his pharmacist license placed on probation for five years from February 12, 2008.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for Gary Russell, #PD05402. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Joe M. Hagler, #PD07035**. By signing the order, Dr. Hagler has agreed to the suspension of his pharmacist license for seven days, to retake the Arkansas Jurisprudence Exam by June 30, 2008; to pay restitution and provide proof of restitution to the Board by June 30, 2008; pay a monetary fine of \$5,000 to the Board on or before February 1, 2009 and have his pharmacist license placed on probation for five years from February 12, 2008.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for Joe M. Hagler, #PD07035. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Marion Kay Berry, #PD08858**. By signing the order, Dr. Berry has agreed to pay a monetary fine of \$500 to the Board on or before April 1, 2008 and have her pharmacist license placed on probation for one year from February 12, 2008.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for Marion Kay Berry, #PD08858. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Joshua Lee Story**. The Board accepted the Consent Order accepting his Request for a Waiver and approved his application for Pharmacy Technician registration placing his registration on probation for a period of ninety days.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for Joshua Lee Story. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **James C. Denoyer**. The Board accepted the Consent Order accepting his Request for a Waiver and approved his application for Pharmacy Technician registration placing his registration on probation for a period of ninety days.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Consent Order for James C. Denoyer. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Steve Anthony Jones, #PD07938**. Dr. Jones 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:**

Mrs. Capps made the motion to accept the Agreed Temporary Order for Steve Anthony Jones, #PD07938 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Debra Montoya, #PT93181, Dane Coffey, #PD10460 and Northwest Medical Center – Bentonville, #HP01139**. By signing this agreement Respondent Montoya agreed to one year

probation, Respondent Coffey agreed to pay a monetary penalty of \$500 to the Board by March 12, 2008 and Respondent Northwest Medical Center – Bentonville agreed to pay a monetary penalty of \$1,000 to the Board by March 12, 2008.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Agreement for Debra Montoya, #PT93181, Dane Coffey, #PD10460 and Northwest Medical Center – Bentonville, #HP01139 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Reesa Crook, #PD06103**. By signing this agreement Respondent Crook agreed to one year probation and to pay a monetary penalty of \$500 to the Board within 30 days of approval by the Board.

**BOARD ACTION:**

Mr. Holiman made the motion to accept the Consent Agreement for Reesa Crook, #PD06103 as presented. Mrs. Capps seconded the motion. Dr. Norris recused himself from the vote. The vote for the motion passed.

Dr. Kirtley presented the Board with a Consent Agreement for **Professional Pharmacy Services, Inc., #AR20331**. By signing this agreement Respondent Professional Pharmacy Services, Inc. agreed to one year probation and to pay a monetary penalty of \$500 to the Board within 30 days of approval by the Board.

**BOARD ACTION:**

Mrs. Capps made the motion to accept the Consent Agreement for Professional Pharmacy Services, Inc., #AR20331 as presented. Dr. Newsome seconded the motion. Dr. Norris recused himself from the vote. The vote for the motion passed.

Dr. Kirtley presented the Board with a Consent Order for **Harp's Food Stores, Inc. dba Discount Distributors, #LC00032**. By signing the order, Harp's Food Stores, Inc. dba Discount Distributors has agreed to pay a monetary fine of \$1,000 to the Board within 30 days of approval of the Order.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Consent Order for Harp's Food Stores, Inc. dba Discount Distributors, #LC00032. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Adrienne West Ellis, #PT90594, Phillip Rozell, #PD06040 and Southgate Pharmacy, #AR13702**. By signing this agreement Respondent Ellis agreed to one year probation, Respondent Rozell agreed to pay a monetary penalty of \$500 to the Board by March 12, 2008 and

Respondent Southgate Pharmacy agreed to pay a monetary fine of \$1,000 to the Board on or before Mary 12, 2008.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Agreement for Adrienne West Ellis, #PT90594, Phillip Rozell, #PD06040 and Southgate Pharmacy, #AR13702 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **American Medical Distributors, Inc., #WD01802**. By signing the order, American Medical Distributors, Inc. has agreed to pay a monetary fine of \$1,000 to the Board within 30 days of approval of the Order.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for American Medical Distributors, Inc., #WD01802. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Lawanda L. Buford, #PT91260, Tom Horton, #PD07250 and Harvest Foods Pharmacy, #AR20009**. By signing this agreement Respondent Buford agreed to one year probation, Respondent Horton agreed to pay a monetary penalty of \$500 to the Board by March 12, 2008 and Respondent Harvest Foods Pharmacy agreed to pay a monetary fine of \$1,000 to the Board on or before Mary 12, 2008.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Consent Agreement for Lawanda L. Buford, #PT91260, Tom Horton, #PD07250 and Harvest Foods Pharmacy, #AR20009 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Teresa J. Moe, #PD10149**. By signing the order, Teresa J. Moe has agreed to obtain three hours of error prevention continuing education within 6 months from the approval of this Order.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Consent Order for Teresa J. Moe, #PD10149. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Lisa Jones, #PT85210, Warren Lee, #PD08651 and Lee Pharmacy, #AR20320**. By signing this agreement Respondent Jones agreed to one year probation, Respondent Lee agreed to pay a monetary penalty of \$500 to the Board by March 12, 2008 and Respondent Lee

Pharmacy agreed to pay a monetary fine of \$1,000 to the Board on or before Mary 12, 2008.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Consent Agreement for Lisa Jones, #PT85210, Warren Lee, #PD08651 and Lee Pharmacy, #AR20320 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Pacira Pharmaceuticals, Inc. #WD02574**. By signing the order, Pacira Pharmaceuticals, Inc. has agreed to pay a monetary fine of \$1,000 within 30 days of approval of this Order.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for Pacira Pharmaceuticals, Inc. #WD02574. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Andrew Curtis, #PT92019, Krystal Soo, #PD07250 and Soo's Drug Store, #AR20121**. By signing this agreement Respondent Curtis agreed to one year probation, Respondent Soo agreed to pay a monetary penalty of \$500 to the Board within 30 days of approval of this Order and Respondent Soo's Drug Store agreed to pay a monetary fine of \$1,000 to the Board within 30 days of approval of this Order.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Agreement for Andrew Curtis, #PT92019, Krystal Soo, #PD07250 and Soo's Drug Store, #AR20121 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Ronald Allen Barrett, #PD06541**. By signing the order, Dr. Barrett has agreed to a license suspension from the date of the approval of this Order until June 30, 2012. This suspension is stayed as long as the conditions of probation are followed.

**BOARD ACTION:**

Mr. Holiman made the motion to accept the Consent Order for Ronald Allen Barrett, #PD06541. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Medco Health Solutions of Las Vegas, #OS01259**. By signing this agreement Respondent Medco Health Solutions of Las Vegas agreed to to pay a monetary penalty of \$500 to the Board by March 12, 2008.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Agreement for Medco Health Solutions of Las Vegas, #OS01259 as presented. Dr. Newsome seconded the motion. Dr. Dufour recused himself from the vote. The vote for the motion passed.

A letter from the Mayo Clinic Pharmacy was presented requesting an exemption from obtaining a Permit to Operate as An Out-of-State Pharmacy. The letter went on to say that in 2007, Mayo Clinic Pharmacy provided 1,097 prescriptions to 77 patients in the State of Arkansas. The Board instructed Dr. Campbell and staff to send a Cease and Desist letter and to deny the exemption.

The Board discussed how to report past violations for pharmacists on the website. Staff was instructed to check with INA to see if it is possible to show active status and whether or not the license is restricted.

The Board discussed the expiration of score transfers without having an application for Licensure by Examination on file. Dr. Kirtley explained that UAMS and Harding University students have 6 months after graduation to take the NAPLEX and complete all the requirements for licensure. Currently, there is no rule on how long NAPLEX scores from students from other colleges of pharmacy are valid for without having already filed a Licensure by Examination application with the ASBP.

**BOARD ACTION:**

Dr. Newsome made the motion that there is a 6 month expiration on score transfers for pharmacists sending their NAPLEX scores to Arkansas after graduation. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

**Tuesday – February 12, 2008**

**Angela Hendrix, #PD08622** appeared before the Board requesting that her Agreed Order be changed to a Consent Order. Dr. Light of the Support Group appeared on her behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Dr. Norris made the motion that the Board deny the request at this time and asked Dr. Hendrix to appear before the Board at the October, 2008 Board meeting. Dr. Newsome seconded the motion. The motion passed.

**John Cash, #PD7844** appeared before the Board requesting that his Agreed Order be changed to a Consent Order. Dr. Light of the Support Group appeared on his behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Dr. Norris made the motion that the Board convert Dr. Cash's Agreed Order to a Consent Order. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

**Timothy Lee Lacey, #PD07030** appeared before the Board requesting that his Agreed Order be changed to a Consent Order. Dr. Light of the Support Group appeared on his behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Dr. Newsome made the motion that the Board convert Dr. Lacey's Agreed Order to a Consent Order. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Melissa Ann Vail, #PD08458** appeared before the Board requesting that her Agreed Order be changed to a Consent Order. Dr. Light of the Support Group appeared on her behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Mr. Holiman made the motion that the Board convert Dr. Vail's Agreed Order to a Consent Order. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Howard Miller, #PD07312 appeared before the Board requesting Reinstatement of his pharmacist license.

**BOARD ACTION:**

Dr. Newsome made the motion that Dr. Miller's license be reinstated under the Boards standard Consent Order. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

A Public Hearing was held on proposed regulation changes – Regulation 7 – Drug Products/Prescriptions.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the proposed regulation. Dr. Post seconded the motion. The vote for the motion was unanimous.

The Board discussed Multi Dose-Bubble Packaging for jails.

**BOARD ACTION:**

Dr. Post made the motion to allow the use of multi dose-bubble packaging for correctional institutions under the condition that each pharmacy requesting to

participate must submit their protocol to Board staff for approval. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Dr. Post made the motion to allow the use of multi dose-bubble packaging for assisted living facilities under the condition that each pharmacy requesting to participate must submit their protocol to Board staff for approval. Dr. Norris seconded the motion. The vote for the motion was unanimous.

The Board decided to have the June Board meeting on June 10-11.

Dr. Kirtley presented the Board with the issue of provisional licenses expiring before the results of the federal criminal background check have been returned.

**BOARD ACTION:**

Mr. Holiman made a motion to extend provisional licenses for those that expire before the results of the federal criminal background are returned. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

The Board decided to revisit the pharmacists reporting pharmacists issue at the June Board meeting.

The Board discussed having security at all future Board meetings.

The meeting was adjourned.

Prepared By:

Approved for the Board:

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Kelly Kendall

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Bob Dufour, P.D., President