

**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 June 23-24, 2005. The meeting was held at the Arlington Resort Hotel & Spa, 239 Central Avenue, Hot Springs, Arkansas.

**Thursday, June 23, 2005**

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

**BOARD ACTION:**

Mr. Holiman made the motion that the minutes of the February 2005 Board Meeting and the March 2005 conference call be approved as presented. Dr. Autry seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

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

The Board interviewed candidates for Reciprocity. Each applicant was asked the following questions: 1) "Why are you seeking licensure in Arkansas?" 2) "Have you ever been before a licensing board for disciplinary action?" 3) "Do you, or have you ever had a problem with drugs or alcohol?" 4) "In what other states are you licensed?" The following candidates were present:

J. Michael Bennett	Brenna Button	Dawn Cochran
Steve Compton	Kenneth Copeland	David Dessender
Lesley DiMarco	Shari Eivins	Diane Feightner
Lindy Flatau	Karen Gibson	Andrea Halverson
James Hughes	Charles Harrison	Bradley Ishee
Lon Johnson	Esfandiar Khosravi	Christopher Larson
Christy Lenczowski	Kwei Leong	Dino Martino
Michael McNamara	Anjana Mehta	Shane O'Riley
James Paxinos	Lizabeth Pope	James Rardin
Robert Sandstrom	Steven Smith	Christopher Sonnenschein
Toya Taylor	Laura Turner	Timothy Weathers
Thomas Westrich	Gary Williams	Jane Wilson
Amanda Wooldridge	Kenneth Zielinski	

**BOARD ACTION:**

Mr. Holiman made the motion to approve the above applicants for reciprocity licensure in Arkansas. Dr. Newsome 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 explained the current CE requirements – which are 30 hours of CE of which 12 hours should be live and related to drug therapy or patient care. Dr. Campbell told the applicants that since they received their Arkansas license at the end of the biennium, they would be responsible for obtaining the CE hours required for their home state. He said beginning January 1, 2006 they will be responsible for Arkansas' CE requirements. Dr. Campbell also addressed the out of state pharmacists regarding compounding issues. He said any prescription sent into Arkansas must be in compliance with Arkansas regulations.

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

**04-00-0004 – Re-Use of Drugs Prohibited**

The proposed changes to this regulation will allow patients in nursing facilities to donate unused medications to charitable clinic pharmacies.

Chuck Morrison spoke in favor of this regulation change.

**BOARD ACTION:**

Dr. Autry made the motion to approve the amendment to Regulation 04-00-0004 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**04-02-0011 – Central Fill Pharmacy**

The proposed changes to this regulation will allow central fill pharmacies to deliver medications either to individuals or to a retail pharmacy in accordance with state and federal law.

Gary Butler, P.D., and Mark Riley, Pharm.D., with the Arkansas Pharmacist's Association spoke regarding this regulation change. Dr. Butler said his greatest concern was regarding the ownership of the prescription. Dr. Riley told the Board that was not in the position to vote for or against the regulation because he was in the middle of conducting background research regarding the issue. The Board discussed changing the language from "filling pharmacy" to "originating pharmacy." Tabling the issue was also discussed.

**BOARD ACTION:**

Dr. Autry made the motion to table the amendment to Regulation 04-02-0011. Dr. Norris seconded the motion. The vote for the motion was unanimous. The Board also decided to form a committee to discuss and examine this issue which will be chaired by Dr. Dufour. Other members of the committee will include Dr. Mark Riley and Dr. Gary Butler or other designees from the Arkansas Pharmacists Association as well as Board Staff.

**04-03-0004 – Permit for Pilot Program for Donated Prescription Medications Pursuant to Ark. Code Ann. §17-92-1101 Et Seq.**

This proposed regulation will create new language that will define the process for a charitable clinic to obtain a permit to accept and reuse medications donated from nursing home patients.

Chuck Morrison with the Arkansas Association of Charitable Clinics spoke in favor of this regulation and also gave suggestions for possible future additions to the regulations regarding the re-use of medications.

**BOARD ACTION:**

Dr. Dufour made the motion to approve Regulation 04-03-0004 as presented. Dr. Autry seconded the motion. The vote for the motion was unanimous.

**04-05-0004 – Off Site Order Entry**

This proposed regulation will define the process to allow for off-site order entry for hospitals in Arkansas.

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

**BOARD ACTION:**

Dr. Autry made the motion to approve Regulation 04-05-0004 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**04-07-0006 – Regulation Regarding Charitable Clinic Pharmacies Procuring and Dispensing Donated Prescription Medication**

This proposed regulation will allow and define the process for the donation of unused nursing home medications to charitable clinic for reuse.

Chuck Morrison voiced his support for this proposed regulation.

**BOARD ACTION:**

Dr. Autry made the motion to approve Regulation 04-07-0006 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**05-00 – Nursing Home Consultants**

The proposed changes to this regulation will define the requirements of nursing home consultant duties, and will also amend the record keeping requirements for nursing home emergency boxes.

The Board discussed the proposed changes to this regulation. President McGinnis voiced his concerns regarding the 5 day requirement for Consultant Pharmacists to notify the Board of changes in their status as the Consultant in charge of a facility, as he had not had the opportunity to examine this issue or discuss it with other consultant pharmacists. Dr. Autry pointed out that this had been voted for unanimously at the February Board Meeting.

**BOARD ACTION:**

Dr. Dufour made the motion to table section 05-00-0002 of the proposed amendment to Regulation 05-00. Dr. Autry seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Dr. Dufour made the motion to approve Regulation 05-00 as presented, with the exception of section 05-00-0002. Dr. Autry seconded the motion. The vote for the motion was unanimous.

The Board discussed the nursing home changes and what the staff was directed to do during a previous Board meeting as reflected in the February minutes. During Discussion Dr. Autry pointed out that the Board should consider voting on issues such as this more carefully because of the impact it has when staff carries out the Board's direction especially if the Board reverses a decision or direction for staff at the next meeting.

**BOARD ACTION:**

Dr. Dufour made the motion that staff should suspend sending consent orders to nursing home consultants. Mr. Holiman seconded the motion. Dr. Autry opposed the motion – the motion passed.

**08-00-0008 – Minimum Requirements for the Storage and Handling of Prescription Drugs and for the Establishment and Maintenance of Prescription Drug Distribution Records**

The proposed changes to this regulation will clarify the minimum requirements for the storage and handling of prescription drugs and specifically would amend the security requirements for wholesale distributors that only carry medical gases.

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

**BOARD ACTION:**

Dr. Autry made the motion to approve Regulation 08-00-0008 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Dennis Bean, P.D., #9445**, appeared before the Board to request to be a preceptor. Kim Light, Ph.D., from the Arkansas Pharmacy Support Group spoke on behalf of Dr. Bean. Dr. Light told the Board that Dr. Bean has been working full time for two years. He also said the Support Group supports Dr. Bean's request to be a preceptor.

**BOARD ACTION:**

Dr. Norris made the motion to approve the request of Dennis Bean, P.D., #9445, to become a preceptor. Dr. Autry seconded the motion. The vote for the motion was unanimous.

**Kenny Trantham, P.D., #7021**, appeared before the Board to request to be a preceptor. Kim Light, Ph.D., from the Arkansas Pharmacy Support Group spoke on behalf of Dr. Trantham. He said the Support Group supports Dr. Trantham's request to be a preceptor.

**BOARD ACTION:**

Dr. Dufour made the motion to approve the request of Kenny Trantham, P.D., #7021, to become a preceptor. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

**Barry Napier, P.D., #7085**, appeared before the Board to request to be a preceptor. Kim Light, Ph.D., from the Arkansas Pharmacy Support Group spoke on behalf of Dr. Napier. Dr. Light reminded the Board that Dr. Napier had recently been approved to be pharmacist in charge, and he said the Support Group also supports Dr. Napier's request to be a preceptor.

**BOARD ACTION:**

Dr. Autry made the motion to approve the request of Barry Napier, P.D., #7085, to become a preceptor. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Greg Davis, P.D., #7346**, appeared before the Board to request that his Arkansas pharmacist license be placed on an active status, and that he be converted to a Consent Order. Kim Light, Ph.D., from the Arkansas Pharmacy Support Group spoke on behalf of Dr. Davis. Dr. Light told the Board that the Support Group gives full support for Dr. Davis' request. He also explained that the Support Group would extend Dr. Davis contract to meet the five year requirement the Board ordered during the February 2005 Board meeting.

**BOARD ACTION:**

Dr. Autry made the motion to grant Dr. Davis' request to convert to a Consent Order with an active license. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Kim Light, Ph.D., from the Arkansas Pharmacy Support Group appeared before the Board with two proposals to discuss. Dr. Light said that, based upon the results of criminal background checks, the Support Group has received many referrals from applicants and/or licensees of the Board who may not be classified as addicts, although many may be on their way to becoming addicted. He said, upon referral, the Support Group would like the individual, based upon the evaluation and recommendation of an addiction specialist, to be required to sign an "Early Intervention Contract." He said the contract will be for one year, and the Support Group would vote on when an individual would be allowed to work.

**BOARD ACTION:**

Mr. Holiman made the motion to allow the Support Group to require an Early Intervention Contract when, based on the results of a criminal background check, the Board refers an individual to the Support Group, and that recommendation is made by the evaluating addiction specialist. Dr. Autry seconded the motion. The vote for the motion was unanimous.

Next, Dr. Light discussed with the Board a proposal for the modification of the Executive Committee Structure. He said that under the current structure of the committee, there are five members of the committee, and the secretary/coordinator is a voting member of the committee. Dr. Light explained that under the proposed structure, the Executive Committee will elect a member of the support group to serve as secretary. The secretary will serve as point of contact for the Board, will attend all of the meetings, but will not have voting rights in decision making matters of the Support Group. Therefore, the secretary is not considered to be one of the five members of the Executive Committee.

**BOARD ACTION:**

Dr. Autry made the motion to approve Dr. Light's request to change the Executive Committee Structure to be six members, with only five voting members and one secretary. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Campbell told the Board that several background checks have been received with charges that occurred over ten years ago. The Board discussed this issue, along with the fact that a pharmacist signs a five year contract with the Support Group.

**BOARD ACTION:**

Dr. Bowden made the motion that any charge received on a criminal background check that is more than five years old, does not need to go before an informal hearing. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Garry Enderlin, P.D., with Arkansas Children's Hospital Pharmacy, appeared before the Board to discuss pharmacy preceptor requirements. Dr. Enderlin told the Board that several of the pharmacists in his pharmacy have trouble meeting the annual professional meeting requirement. He said there were not very many meetings to start with, and many of those are at night, and he has several pharmacists that work at night. Dr. Enderlin also said that he has some concerns regarding the hours of the full-time pharmacist requirement.

**BOARD ACTION:**

Dr. Autry made the motion that the President of the Board appoint a committee, with Garry Enderlin as chairman, to review the intern and preceptor regulation. Dr. Kirtley and Mrs. Lincourt will also serve on the committee. The regulation should be ready for review at the next Board meeting, and ready to adopt at the following meeting. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Campbell told the Board that there are several issues regarding DME's that need to be resolved by the DME Advisory Committee. Rusty McSpadden, P.D., told the Board that he met with the nominating committee by conference to get the nominees to present to the Board. Dr. McSpadden handed out a ballot with a list of the nominations. The nominees are: Dede Shinabery, Rosemary Francisco, and Harold Grubbs – all nominated by MESA; Kathy Grissom, Ann Roberson, and Janice Hutchinson – all nominated by the Homecare Association of Arkansas; and C.A. Kuykendall, Gary Boone, and Tom Wood – all nominated by representatives of the Arkansas State Board of Pharmacy. By ballot vote the DME Advisory Committee elected by the Board is:

- Gary Boone, P.D.
- Kathy Grissom
- Harold Grubbs
- Janice Hutchinson
- C.A. Kuykendall, P.D.
- Ann Roberson
- Dede Shinabery

Dr. Campbell told the Board that there have been some confusing issues brought on by Medicaid regarding DME licensure. He said that companies are seeking a DME license for non-required products such as enterals, and nursing facilities supplies because Medicaid is requiring them to be licensed by the Board of Pharmacy in order to pay them. He said that basically, these companies need a license for billing purposes.

John Ellis, from **Extendi-Care, Inc.**, appeared before the Board to request an Arkansas Supplier of Medical Equipment, Legend Devices, and/or Medical Gas permit for **Lakeside DME**. Mr. Ellis explained to the Board that Extendi-Care bought a nursing home, as well as Lakeside DME. He said they are under separate Articles of Incorporation and have separate tax payer identification numbers for each entity. Mr. Ellis told the Board that he does supply enterals to nursing homes, and he needs the permit in order to be reimbursed by Medicaid. He said that since the initial application was filed with the Board office, the DME company, Lakeside DME, has

moved into a free-standing building in Conway. The Board asked Mr. Ellis several questions and discussed the DME licensing requirements.

**BOARD ACTION:**

Ms. Capps made the motion to issue a DME license to Extendi-Care, Inc., dba Lakeside DME. Dr. Dufour seconded the motion. The motion failed with a vote of two to five.

**BOARD ACTION:**

Mr. Holiman made the motion to grant a temporary license to Extendi-Care, Inc., dba Lakeside DME until the February meeting of the Board. Dr. Autry seconded the motion. After discussion, Mr. Holiman withdrew the motion.

**BOARD ACTION:**

Dr. Autry made the motion to issue a DME license to Extendi-Care, Inc., dba Lakeside DME. The facility will be inspected in six months, during which time the DME Committee will establish criteria for a DME permit, and if Lakeside DME does not meet it, then it will be suspended. Ms. Capps seconded the motion. Dr. McGinnis abstained from the vote and the motion passes.

Shannon Gamewell, from **G & G Medical, Inc.**, appeared before the Board to request that his Arkansas Supplier of Medical Equipment, Legend Devices, and/or Medical Gas permit be reinstated. Mr. Gamewell told the Board that he did not renew his license 2003 DME license on time. He said he obtained a new license and was offered a Consent Order with a \$1,000 fine, but he chose to appear before the Board instead of agreeing to pay the fine. Mr. Gamewell then told the Board that he missed the Board meeting and his license was revoked. He said that he had been operating his facility until six months ago when he was notified by Medicaid that they needed a copy of his Arkansas license. Mr. Gamewell told the Board that he was sorry and he wanted to make things right.

**BOARD ACTION:**

Dr. Dufour made the motion to reinstate the DME license of G & G Medical. After further discussion, Dr. Dufour withdrew his motion.

**BOARD ACTION:**

Dr. Autry made the motion to reinstate the DME license of G & G Medical and all outstanding fines must be paid. Dr. Newsome seconded the motion. Ms. Capps voted no. The motion passes.

Jeremy Darr, with **North Central I.V. & Respiratory Specialists**, appeared before the Board to request the pharmacy be allowed to operate less than 40 hours per week. Mr. Darr told the Board that this facility was a branch off of the main business and he wanted to be open 20 hours per week. He said the pharmacy would be open five days a week for four hours per day, with 24-hour on call service. The Board explained to Mr. Darr that a pharmacist must be in the facility during the hours of operation specified on the application.

**BOARD ACTION:**

Dr. Autry made the motion to approve North Central I.V. & Respiratory Specialists to be open 20 hours per week. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a letter from **AH Pharmacy Services, LLC**, requesting their Out of State Pharmacy application be approved. Dr. Kirtley explained the facilities process. He said the prescription goes through the wholesaler first and the pharmacy gets a labeling fee. He also said that the prescriptions are for herd animals, and therefore, freedom of choice is not applicable.

**BOARD ACTION:**

Dr. Autry made the motion to approve the Out of State Pharmacy application for AH Pharmacy Services, LLC. Dr. Dufour seconded the motion. The vote for the motion was unanimous.

James Barton, a veterinarian with Cargill Turkey Production, LLC, appeared before the Board to discuss concerns some veterinarians have regarding the wholesale/distributor regulation. Dr. Barton described to the Board his company's current distribution system. He said he believes the regulations need to be updated, and intensive food animal production needs to be considered. Dr. Campbell told the Board that the current regulation does not separate human needs and animal needs. The Board discussed this issue and does not think there is a problem with the distribution model described by Dr. Barton. The Board is willing to have a committee, which includes veterinarians, to address these issues.

Margaret Lincourt, told the Board that recent issues regarding change of ownership for out of state pharmacies have been brought to her attention. She said that change of ownership requirements are not in the current out of state regulation, but that it is in all other license type regulations. Ms. Lincourt asked the Board for direction.

**BOARD ACTION:**

Dr. Norris made the motion to change the current out of state pharmacy regulation to include the same change of ownership language that is written for other license types and to pursue other necessary changes to this regulation that would clarify the requirements for out of state pharmacies. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Thomas Baringer, from **Beringer Drug Company**, appeared before the Board with his attorney Darren O'Quinn. Mr. O'Quinn told the Board that Beringer Drug is a small retail pharmacy in Kentucky that dispenses Aerosol Nebulizers. He said they currently have 80 to 100 patients in Arkansas for which they are shipping prescriptions, and they are asking to be able to continue to do so until they can receive the proper license. Dr. Beringer told the Board that he was not aware that the pharmacy and/or a pharmacist must be licensed with the Arkansas State Board of Pharmacy, but when he found out, his daughter, also a pharmacist, applied for reciprocity through NABP. The Board discussed the situation with Dr. Beringer and told him that he would be issued a permit if he employs an Arkansas pharmacist to work at the facility until his daughter completes the reciprocity process for licensure in Arkansas.

Dr. Campbell reminded the Board that they granted **Delta Pharma** a temporary out of state pharmacy license pending a response from FDA regarding a warning letter that was received by Delta Pharma. He said that there still has not been a response from FDA and none is expected.

**BOARD ACTION:**

Dr. Dufour made the motion to change Delta Pharma's temporary license status to an active license status and to remove all restrictions. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Friday, June 24, 2005**

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

Dr. Kirtley presented the Board with a Consent Order for **Pharmacy Technician Applicant John Crews**. Mr. Crews has pled guilty to possession of marijuana and a marijuana pipe, which he disclosed on his pharmacy technician application. By signing the order, Mr. Crews has agreed to the terms of the order which states, "Applicant's application to be registered as a pharmacy technician shall be approved upon the Board's receipt of a favorable review by a qualified addictionologist acceptable to the Board stating that applicant does not currently have a diagnosable substance problem related to substance abuse or substance addiction regarding drugs or alcohol."

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for Pharmacy Technician Applicant John Crews as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Pharmacy Intern Applicant Carlos Franklin**. Mr. Franklin has been charged with possession of drugs, which he disclosed on his pharmacy intern application. By signing the order, Mr. Franklin has agreed to the terms of the order which states, "Applicant's application to be registered as a pharmacy intern shall be approved upon the Board's receipt of a favorable review by a qualified addictionologist acceptable to the Board stating that applicant does not currently have a diagnosable substance problem related to substance abuse or substance addiction regarding drugs or alcohol."

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for Pharmacy Technician Applicant Carlos Franklin as presented. Dr. Dufour seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Michael Soo, P.D., #7376**. The order was signed admitting to the charge that the respondent allowed a pharmacy technician be present in his pharmacy when a pharmacist was not there. By signing the order, the respondent has agreed to pay a monetary penalty of \$1,000, payable on or before 30 days from the date of the Consent Order, and Dr. Soo's pharmacist license is to be placed on probation for a period of one year.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for Michael Soo, P.D., #7376 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Dr. Autry made the motion that this case sets a precedent to offer a \$1,000 fine and one year of probation Consent Order for this type of violation. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Christina Magee, P.D, #8213**. The order was signed admitting to the charge that she made a medication error and failed to counsel the patient. By signing the order, Dr. Magee has agreed to pay a monetary penalty of \$1,000, payable within 30 days of the date of the Consent Order.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Consent Order for Christina Magee, P.D., #8213 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Ron Teasley, P.D, #6200, and Richard Lackie, P.D., #6319**. The order was signed admitting to the charge that the respondents administered Flu-Mist to patients without the proper certification by the Board of Pharmacy. By signing the order, Dr. Teasley and Dr. Lackie has each agreed to pay a monetary penalty of \$500, payable within on or before 30 days following the date of this Consent Order.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Consent Order for Ron Teasley, P.D., #6200 and Richard Lackie, P.D., #6319 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Mr. Holiman made the motion that this case sets a precedent to offer a \$500 fine Consent Order for this type of violation. Dr. Norris seconded the motion. The vote for the motion was unanimous.

D. Kirtley presented the Board with a Consent Order for **Choice Medical Billing and Supply, Inc., #MG-00474**. The order was signed by a representative of the company admitting to the charge that the two DME facilities operated without the proper license by the Board of Pharmacy. By signing the order, respondent Choice Medical Billing and Supply, Inc., has agreed to a monetary penalty of \$2,000, payable within 30 days of the date of the Consent Order.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Consent Order for Choice Medical Billing and Supply, Inc., #MG-00474 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Order for **Richard Thomas, Pharmacy Technician #PT86350**. Mr. Thomas signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in the prescription department of a pharmacy until approved by the Board.

**BOARD ACTION:**

Mr. Holiman made the motion to accept the Agreed Order for Richard Thomas, Pharmacy Technician #PT86350 as presented. Dr. Autry seconded the motion. Dr. Dufour recused himself from the vote. The motion passes.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Pharmacy Technician Applicant Michael Lattimore, Provision #PN00452**. Mr. Lattimore signed the order, and agreed not to practice as a

pharmacy technician in Arkansas or be physically present in the prescription department of a pharmacy until approved by the Board.

**BOARD ACTION:**

Ms. Capps made the motion to accept the Agreed Temporary Order for Pharmacy Technician Applicant Michael Lattimore, Provision #PN00452 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Order for **James Honeysuckle, Pharmacy Technician #PT88861**. Mr. Honeysuckle signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in the prescription department of a pharmacy until approved by the Board.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Agreed Order for James Honeysuckle, Pharmacy Technician #PT88861 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Affidavit of Surrender for **Brent Losier, P.D., #8441**. Dr. Losier has admitted to stealing from a pharmacy at which he was employed. Dr. Kirtley said that for all intents and purposes, this is a revocation.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Affidavit of Surrender for Brent Losier, P.D., #8441 as presented. Dr. Dufour seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Affidavit of Surrender for **James King, P.D., #8393**. Dr. King has admitted to taking controlled substances without the authorization of a practitioner. Dr. Kirtley said that for all intents and purposes, this is a revocation.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Affidavit of Surrender for James King, P.D., #8393 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Affidavit of Surrender for **Robert Barnes, Pharmacy Technician #88235**. Mr. Barnes has admitted to taking controlled substances without the authorization of a practitioner. Dr. Kirtley said that for all intents and purposes, this is a revocation.

**BOARD ACTION:**

Dr. Autry made the motion to accept the Affidavit of Surrender for Robert Barnes, Pharmacy Technician #88235 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Bradley Renick, Pharmacy Technician #88104 and Pharmacy Intern #PI01501**. Mr. Renick signed the order, and agreed not to practice as a pharmacy technician or pharmacy intern in Arkansas or be physically present in the prescription department of a pharmacy until approved by the Board.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Agreed Temporary Order for Bradley Renick, Pharmacy Technician #88104 and Pharmacy Intern #PI01501 as presented. Dr. Autry seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Veronica Farrell, P.D., #8328**. Dr. Farrell 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:**

Dr. Newsome made the motion to accept the Agreed Temporary Order for Veronica Farrell, P.D., #8328 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

The Board discussed the fact that there are still a lot of pharmacy technicians stealing prescription drugs out of pharmacies. The Board discussed the need for more punishment for technicians who divert prescription drugs. Dr. Dufour said he would like Board counsel to tell the Board what they can do with regard to technician and prosecution. Dr. Norris agreed with Dr. Dufour's suggestion.

**Nicholas Willard and Michael Burger**, with *WebMD* appeared before the Board to discuss their company's business operations with regard to electronic prescribing and electronic prescription orders received by facsimile machines. Mr. Willard discussed the company's background with the Board. He said they serve more than 180,000 physicians and operate in 39 states. He also told the Board that they had to receive approval from the Board of Pharmacy to operate in Ohio, Nevada, and Washington. Mr. Willard said about 20 prescribers in Arkansas use their system.

Mr. Willard explained that the patient always picks the pharmacy. He said the prescription goes straight to the pharmacy computer (if the system is available) or to the fax machine. The Board discussed the current facsimile regulation. Mr. Burger described how the prescriber is authorized to use the system. He said the company makes sure every prescriber and pharmacy license is valid. He also told the Board that a serial number is assigned to each transaction so it can be audited.

Dr. Autry said the Board would like a demonstration at a future meeting, and in the meantime, the Board counsel should get a legal interpretation on patient ownership and electronic prescribing.

Dr. Campbell discussed the Wholesale Pedigree Requirement with the Board. He said that most states are looking into pedigrees. He said that Representative Mahony introduced a "Wholesale Licensure and Prescription Medication Integrity Act" during the last legislative session. He said that it went into interim study and the Board was directed to have a committee, appointed by the president of the Board to report back to the legislature. The committee members appointed are:

- Bob Dufour, Chairman
- Debbie Hayes
- Mark Riley
- Leo Hauser
- Dean Sikes
- Fran Romine

- George Eyson
- Marcus Caldwell
- George Bray
- Margaret Lincourt

Dr. Campbell explained that this will probably be a complicated and controversial issue.

**BOARD ACTION:**

Dr. Autry made the motion to approve the appointed committee. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Campbell told the Board that there are issues pending that the Board will have to meet about before the October Board meeting. He said he would like to schedule a one-day meeting during the week of August 15, and asked the Board to let the staff know by Monday which day would be best for the meeting.

Dr. Campbell discussed the upcoming district meetings with the Board. He reminded them that last year the Board members gave the speech for several meetings and he said he received a very positive response from the local pharmacists. The Board members picked different cities around the state for which they will attend the district meeting.

- Larry McGinnis – Jonesboro and Batesville
- Ross Holiman – Mountain Home
- Lenora Newsome – Camden
- Ronnie Norris – Monticello and Pine Bluff
- Larry Autry – Hot Springs

Ms. Lincourt discussed the new computer system and the pending on-line verification process. She said when a pharmacist's information is verified on-line, an address will be available on the screen. Ms. Lincourt discussed asking pharmacists for a preferred address for public information and the Board agreed that it was a good idea.

Senator Percy Malone appeared before the Board and discussed the unused medication process. He said that it will be said that if these drugs are safe for poor people then they are safe for everyone. Senator Malone also said that the applicants approved for this program should be reminded that this is only a test, and it is not guaranteed that it will be permanent. He also discussed the wholesale pedigree committee. Senator Malone said all of the responsibility cannot fall onto the Pharmacy Board without help and expansion. He said the Board will need to consider the impact that adding programs, services, and oversight activities in any area and take the information back to legislators to acquire appropriate funding and staff support to ensure the viability of these programs and responsibilities.

**BOARD ACTION:**

Dr. Dufour made the motion that Larry McGinnis is to be named President of the Board, Ronnie Norris is Vice-President, and Buddy Bowden is Secretary. Dr. Autry seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Prepared By:

Approved for the Board:

---

Lana Whitmore

---

Larry McGinnis, Pharm.D., President