

**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 15-16, 2006. The meeting was held at the DoubleTree Hotel, 424 West Markham Street, Riverside West Room, Little Rock, Arkansas.

**Thursday – June 15, 2006**

The meeting was called to order by Larry McGinnis, Pharm.D., President. Members present were Buddy Bowden, P.D.; Sharon Capps, R.N.; 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; Kelly Kendall; Ron Ewing, P.D.; Rusty McSpadden, P.D.; and Jim Myatt, P.D.

**BOARD ACTION:**

Dr. Newsome made the motion that the minutes of the February 2006 Board Meeting be approved as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

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

The Board interviewed candidates for Reciprocity. Dr. McGinnis indicated to the applicants that anyone associated with an internet website to wait until last to be interviewed. 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?" 5) "When did you last practice pharmacy?" The following candidates were present:

Debra Allen	Cathy Bailey	Cynthia Bamburg
Kimberly Betts	Seema Bhoola	Barry Cadden
Michael Conzemius	Jet Davis	Jerome Drogalis
Noemie Dyer	Chris Haritos	Meritt Harrison
Alan Itzen	Adrian Jewell	David Joseph
Michael Kelly	Kathia Ledford	Lisa Luebker
Brian Marcantel	Eleanor McDonald	Brad Nelson
Michael Nguyen	Laura Pounders	Philip Reynolds
Regina Sanders	Cheryl Scott	Mark Stephens
Tanya Stephens	Lorie Steuber	Courtney Wiedeman
George Zula		

**BOARD ACTION:**

Ms. Capps 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. Kirtley 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. Kirtley told the applicants that since they received their Arkansas license at the beginning of the biennium, they would be responsible for Arkansas' CE requirements.

Dr. Campbell explained to the following applicants that an out of state pharmacy licensed in Arkansas cannot enter into a contract with a physician group that authorizes prescriptions through internet or telephone consultations. All of the applicants present indicated that they were not affiliated with such an organization. Each applicant was asked the same questions as the previous applicants.

Patricia Baker	Piotr Cymbalski	Robert DaSilva
Mariam Davis	Anita Dopkosky	William Graybeal
Ramson Gutierrez	Joni Holz	Kimberly Hunter
Joshua Paire	Michael Pennings	Ronald Read
Janine Sadek	Ward Seale	Debra Thompson
Rudyea Woodberry	Andrew Wright	

**BOARD ACTION:**

Dr. Newsome 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.

**Veronica Farrell, P.D., #PD08328** appeared before the Board to request that her Agreed Order be converted to a Consent Order. Dr. Farrell explained the circumstances which led to her signing an Agreed Order as well as actions taken since that time Board.

**BOARD ACTION:**

Mr. Holiman made the motion to accept the conversion from an Agreed Order to a Consent Order for Veronica Farrell, P.D., #PD08328 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Brad Renick, Pharmacy Intern #PI01501** appeared before the Board to request his Agreed Order be converted to a Consent Order. He discussed the circumstances which led up to his signing an agreed order as well as corrective action taken since that time. Mr. Renick explained the steps required in order for him to complete his rotations for pharmacy school. Mr. Renick agreed that his situation will be explained to all potential rotation sites.

**BOARD ACTION:**

Dr. Norris made the motion to accept the conversion from an Agreed Order to a Consent Order for Brad Renick, Pharmacy Intern #PI01501 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

**Jonathan Ragan, P.D., #PD07823**, appeared before the Board to request to be a pharmacist in charge and a preceptor. Kim Light, Ph.D., from the Arkansas Pharmacy Support Group spoke on behalf of Dr. Ragan. Dr. Light told the Board that Dr. Ragan went back to work in July 2005. He said Dr. Ragan has become a leader in the Support Group and that he has been a real asset. Dr. Light said the Support Group supports Dr. Ragan's request to be a pharmacist in charge and a preceptor.

**BOARD ACTION:**

Dr. Norris made the motion to approve the request of Jonathan Ragan, P.D., #PD07823, to become a pharmacist in charge and a preceptor. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

**Derek Barlow and Kelly Barlow with Pharmacy Express** appeared before the Board as required by Board members at the February 2006 Board meeting. Dr. Kirtley explained that Pharmacy Express was previously owned by Doug Crow, P.D. He reminded the Board that Pharmacy Express, when it was owned by Dr. Crow, was ordered to change computer systems, pay a fine, and to submit quarterly audit reports for two years. Dr. Kirtley asked the Board if the quarterly audits were still necessary since the ownership has changed and Dr. Crow has no affiliation with the current owners. The Board asked Dr. Barlow if any of the employees were the same. Dr. Barlow said that three of the current technicians were former employees of Dr. Crow and one part-time pharmacist. Dr. Barlow explained that they have upgraded the whole computer system. Dr. Campbell discussed the differences between a new store application and a change of ownership. He said that a new store application is required to be in the office for 30 days before a permit can be issued.

**BOARD ACTION:**

Dr. Norris made the motion that Pharmacy Express conduct an audit from July 1 through the end of September and to have it available to the Board staff for the October meeting of the Board of Pharmacy. Future audits will be dependent on the outcome of this audit – if it is favorable no other audits will be required. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Campbell asked the Board for clarification on change of ownership issues. He asked if the sanctions apply to the new owner if a pharmacy changes ownership after actions have been taken against the permit by the Board. The Board discussed the different requirements between new pharmacy permit applications and change of ownership applications.

**BOARD ACTION:**

Dr. Norris made the motion that if the Board takes action on a store owner, pharmacist in charge, and/or the store permit, and the Arkansas pharmacy permit changes ownership – the new owner can appear before the Board to request relief from previous Board actions. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Dr. Norris made the motion that the Board staff has the authority to work with the new owner of a pharmacy that has had Board action against the permit to get the pharmacy up and running until a Board appearance as required by the previous motion. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Campbell discussed internet prescribing and prescription fulfillment. He said there have been situations brought to the staff's attention in which internet pharmacies enter into contractual agreements with physicians that do online or telephone consultations. He said in many instances the prescription orders are coming in from Puerto Rico. Dr. Campbell said our current regulations do not define a physician/patient relationship. He said there is a Medical Board regulation, but the Board of Pharmacy cannot enforce Medical Board rules. Dr. Campbell said there has been interest by a senator in this situation and it was thought that a statute would be better than a regulation. The Board discussed

obtaining an interpretation from the Attorney General's office regarding the relationship definition. The Board directed the staff to pursue statute changes.

Dr. Kirtley informed the Board that the company that requested the vending machines in the pharmacy during the February meeting has withdrawn its request. He said because of this the staff has not put together a list of criteria for vending machines because it needs to be machine specific and they did not want to describe criteria for a machine that does not exist.

Dr. Kirtley presented the Board with the results from the Pharmacy Solutions software questionnaire. During the February Board meeting, the Board directed the staff to randomly select several pharmacies that use Pharmacy Solutions to determine whether or not the system was reliable. Dr. Kirtley went over the results of the questionnaire and it was determined that the software did not seem to be a problem.

Dr. Campbell told the Board that he received the district meeting schedule from the Arkansas Pharmacists Association. He said the Board members started speaking at the district meetings when the Board office was short staffed. He said there has been very positive feedback from this approach and asked if they were still interested in speaking at the various meetings in their district. The Board said yes and they are going to pick the different locations in which they would like to speak.

Dr. Kirtley brought up the upcoming meetings scheduled for the Board and Ms. Lincourt distributed the travel budget for fiscal year 2007. Dr. Campbell told the Board that the agency would ask for an increase in funds for Board travel. He said there has not been a request for an increase in many years and whether it was rejected or not – we would have to ask for it.

**Kevin Smithpeters, P.D., #PD08155**, appeared before the Board in answer to an Order and Notice of Hearing. Dr. McGinnis called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Molton. Tom Gay, of the Attorney General's Office, represented the Board staff, and the respondent was not represented by counsel.

Mr. Gay questioned Kevin Smithpeters regarding his licensing history and the Arkansas regulation which states the minimum number of hours required by the pharmacist in charge.

Dr. Smithpeters testified on his own behalf. He told the Board that he was a district manager for Wal-Mart. He said in July 2005 he signed himself as pharmacist in charge for Wal-Mart in McGehee, Arkansas because he could not get anyone in the position. He said he thought this would be a temporary position because he thought the store was closing. Dr. Smithpeters explained that everything kind of snowballed on him both personally and professionally. He said it was a big mistake on his part and he never intended for this to happen. He promised the Board that nothing like that would happen again.

**BOARD ACTION:**

Dr. Newsome made the motion that in the matter of Kevin Smithpeters, P.D., #PD08155, Allegations A-1, A-2, A-3, and A-4, were found to be true, and Charges C-1 and C-2 were proven. Therefore, it is ordered that Dr. Smithpeters' pharmacist license is to be placed on probation for a period of two years, he is ordered to pay a monetary penalty of \$1,000 by June 30, 2006, within 30 days, and to re-take the Arkansas Jurisprudence Examination within 60 days. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The Board discussed why the Wal-Mart store permit was not charged in the Kevin Smithpeters case. Dr. Kirtley said it was determined that the allegations were not related to the store's policy and procedures and could not be charged.

Dr. Campbell informed the Board that Jackie Baggett, P.D., signed a contract with the Support Group so there is no reason for an appearance before the Board.

Tom Gay discussed the Board's current procedures for deliberating. He said currently the Board kind of huddles together in a corner when deliberating and may be considered private. He said that Board deliberations are a matter of public record and should be conducted in a public manner.

**Tom Bader** appeared before the Board to request an out of state pharmacy permit for **College Pharmacy – Colorado Springs, CO**. Dr. Campbell explained to the Board that the application was not approved by Board staff because there are issues pending with FDA. He said that some issues pertain to office stock which is legal in Arkansas. Dr. Bader told the Board that for the last 30 months, there has been an ongoing criminal investigation by the FDA against College Pharmacy. He said he is not sure exactly what the charges are – only that an investigation is being conducted. He informed the Board that he was involved with the group that sued the FDA and won. Dr. Bader said his pharmacy provides hormone therapy to patients and he needs to be licensed in all states in order to further his compounding business.

**BOARD ACTION:**

Dr. Post made the motion to table the Out of State Pharmacy application for College Pharmacy – Colorado Springs, CO until the Board receives further information from FDA or until Dr. Bader requests a hearing. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

**Friday – June 16, 2006**

The meeting was called to order by Larry McGinnis, Pharm.D., President. Members present were Buddy Bowden, P.D.; Sharon Capps, R.N.; Ross Holiman, B.S., H.Ed.; Lenora Newsome, P.D.; Ronnie Norris, P.D.; and Benji Post, 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; Kelly Kendall; Ron Ewing, P.D.; Rusty McSpadden, P.D.; and Jim Myatt, P.D.

Dr. Post presented the Board with the remote entry committee report. The committee members were: John Kirtley, Kara Smith, Jason Reiser, Buck Stevens, Clyde Frazier, Mark Riley, and Benji Post. Dr. Post said the committee developed proposed language for an offsite order entry regulation for retail pharmacy. He said the committee recommends a pilot program using the proposed regulations in order to receive patient and pharmacist feedback on the program. Walgreens has submitted eight locations to participate in the pilot project and Wal-Mart has submitted ten locations. The pharmacies are not forced to accept the prescription. The off-site location can reject a prescription or send it back for clarification. The Board discussed accountability. It was determined that the pilot project should be limited to in-state facilities, and any medication errors and the investigations into medication errors should be reported.

**BOARD ACTION:**

Dr. Norris made the motion to proceed with the Remote Entry Pilot Program with all pharmacists, including the pharmacist in charge, having signed a notarized affidavit stating they have read the proposed regulations along with Regulation 04-02-0005 of the Arkansas Law

Book. A report is to be submitted at the October 2006 Board meeting. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with the committee report on interns and preceptors. The committee members were: John Kirtley, Margaret Lincourt, Lenora Newsome, Stephanie Gardner, Cindy Stowe, Dan Spadaro, Marci Smith, Garry Enderlin, Susan Newton, Harold Smith, Kara Smith, Mark Riley, and Tony Rogers. Dr. Kirtley went over the amendments to Regulation 2. He said among other things, the committee recommended removing "limited supervision" from the regulation. He said currently graduate interns are allowed to work in a pharmacy by his/herself so long as they are within telephone contact of a pharmacist. He said this practice raises huge liability issues for the pharmacist, pharmacy, and graduate intern and this practice should be eliminated. Ms. Lincourt discussed "active status" for an intern enrolled in a College of Pharmacy. For example, if an intern is on maternity leave and withdraws from all classes – her license will be placed on an inactive status and can be reactivated, with no monetary penalty, upon reenrollment.

**BOARD ACTION:**

Dr. Norris made the motion to direct the Board staff to proceed with the amendments to Regulation 02 in order to have it presented for a public hearing in October. Dr. Bowden 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.

**04-04-0001 – Out of State Pharmacy Regulation**

The proposed changes will clarify the requirement for an out of state pharmacy to have a pharmacist on staff with an active Arkansas pharmacist license and will further define changes of ownership.

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

**BOARD ACTION:**

Mr. Holiman made the motion to accept the amendment to Regulation 04-04-0001 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Walgreens #2364, AR20384, Don Porter, P.D., #PD08732, and Lisa Skinner, Pharmacy Technician #PT89449**. The order was signed admitting to the charge that Ms. Skinner failed to renew her pharmacy technician registration and Dr. Porter allowed her to continue to work as a pharmacy technician at Walgreens #2364 without a technician registration. By signing the order, Ms. Skinner has agreed that her pharmacy technician registration is to be placed on one year of probation from the date of the Order, Dr. Porter has agreed to pay a monetary penalty of \$500 and respondent Walgreens #2364 has agreed to a monetary penalty of \$1,000 – both are payable within 30 days of the date on the order.

Dr. Kirtley presented the Board with a Consent Order for **Walgreens #5237, AR20186, Jeff Norbeck, P.D., #PD07600, and Adam Hoffman, Pharmacy Technician #PT88535**. The order was signed admitting to the charge that Mr. Hoffman failed to renew his pharmacy technician registration and Dr. Norbeck allowed him to continue to work as a pharmacy technician at Walgreens #5237 without a technician registration. By signing the order, Mr. Hoffman has agreed that his pharmacy technician registration is to be placed on one year of probation from the date of the Order, Dr. Norbeck has agreed to pay a monetary penalty of \$500 and respondent Walgreens #5237 has agreed to a monetary penalty of \$1,000 – both are payable within 30 days of the date on the order.

Dr. Kirtley presented the Board with a Consent Order for **Walgreens #5237, AR20186, Jeff Norbeck, P.D., #PD07600, and Melody Riddler, Pharmacy Technician #PT89356**. The order was signed admitting to the charge that Ms. Riddler failed to renew her pharmacy technician registration and Dr. Norbeck allowed her to continue to work as a pharmacy technician at Walgreens #5237 without a technician registration. By signing the order, Ms. Riddler has agreed that her pharmacy technician registration is to be placed on one year of probation from the date of the Order, Dr. Norbeck has agreed to pay a monetary penalty of \$500 and respondent Walgreens #5237 has agreed to a monetary penalty of \$1,000 – both are payable within 30 days of the date on the order.

Dr. Kirtley presented the Board with a Consent Order for **Walgreens #3413, AR18803, Neil Vick, P.D., #PD05394, and Mylinda Terry, Pharmacy Technician #PT90050**. The order was signed admitting to the charge that Ms. Terry failed to renew her pharmacy technician registration and Dr. Vick allowed her to continue to work as a pharmacy technician at Walgreens #3413 without a technician registration. By signing the order, Ms. Terry has agreed that her pharmacy technician registration is to be placed on one year of probation from the date of the Order, Dr. Vick has agreed to pay a monetary penalty of \$500 and respondent Walgreens #3413 has agreed to a monetary penalty of \$1,000 – both are payable within 30 days of the date on the order.

Dr. Kirtley presented the Board with a Consent Order for **Kroger Pharmacy #617, AR20254, Russell Richter, P.D., #PD06080, and Stephen Meeker, Pharmacy Technician #PT86704**. The order was signed admitting to the charge that Mr. Meeker failed to renew his pharmacy technician registration and Dr. Richter allowed him to continue to work as a pharmacy technician at Kroger Pharmacy #617 without a technician registration. By signing the order, Mr. Meeker has agreed that his pharmacy technician registration is to be placed on one year of probation from the date of the Order, Dr. Richter has agreed to pay a monetary penalty of \$500 and respondent Kroger Pharmacy #617 has agreed to a monetary penalty of \$1,000 – both are payable within 30 days of the date on the order.

Dr. Kirtley presented the Board with a Consent Order for **Walgreens #6959, AR20320, Gary Robertson, P.D., #PD05877, and Tina Goodson, Pharmacy Technician #PT86338**. The order was signed admitting to the charge that Ms. Goodson failed to renew her pharmacy technician registration and Dr. Robertson allowed her to continue to work as a pharmacy technician at Walgreens #6959 without a technician registration. By signing the order, Ms. Goodson has agreed that her pharmacy technician registration is to be placed on one year of probation from the date of the Order, Dr. Robertson has agreed to pay a monetary penalty of \$500 and respondent Walgreens #6959 has agreed to a monetary penalty of \$1,000 – both are payable within 30 days of the date on the order.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the above mentioned Consent Orders for the following as presented:

- Walgreens #2364 – AR20384
- Don Porter, P.D., #PD08732
- Lisa Skinner #PT89449
- (2) Walgreens #5237 – AR20186
- (2) Jeff Norbeck, P.D., #PD07600
- Adam Hoffman #PT88535
- Melody Riddler #PT89356
- Walgreens #3413 – AR18803

- Neil Vick, P.D., #PD05394
- Mylinda Terry #PT90050
- Kroger Pharmacy #617 – AR20254
- Russell Richter, P.D., #PD06080
- Stephen Meeker #PT86704
- Walgreens #6959 – AR20320
- Gary Robertson, P.D., #PD05877
- Tina Goodson #PT86338

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

Dr. Kirtley presented the Board with a Consent Order for **Dennis Milner, P.D., #PD08570** and **James Turner, Pharmacy Technician #PT87522**. The order was signed admitting to the charge Dr. Milner allowed Mr. Turner to perform pharmacy technician functions without a supervising pharmacist being present. By signing the order, Dr. Milner has agreed to pay a monetary penalty of \$500 on or before July 17, 2006, and Mr. Turner has agreed to pay a monetary penalty of \$500 within 30 days of the date on the order; however, Mr. Turner's monetary penalty shall be suspended on the condition that within 30 days of the order, Mr. Turner deliver a plan of action (approved by the Executive Director of the Board of Pharmacy) identifying the tasks that a technician can perform and those that he cannot perform in the absence of a pharmacist. Mr. Turner has also agreed that his pharmacy technician registration is to be placed on probation for a period of six months from the date of the order.

**BOARD ACTION:**

Dr. Post made the motion to accept the Consent Order for Dennis Milner, P.D., #PD08570 and James Turner, Pharmacy Technician #PT87522 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous. (Dr. McGinnis did not vote in this matter.)

Dr. Kirtley presented the Board with a Consent Order for **Walgreens #5730, AR20236, Kim Collins, P.D., #PD08044, and Danyel Gabel, Provisional Tech #PN01695**. The order was signed admitting to the charge that Dr. Collins allowed Ms. Gabel to work as a pharmacy technician at Walgreens #5730 without a temporary technician registration. By signing the order, Ms. Gabel has agreed that her pharmacy technician registration is to be placed on one year of probation from the date of the Order, Dr. Collins has agreed to pay a monetary penalty of \$500 and respondent Walgreens #5730 has agreed to a monetary penalty of \$1,000 – both are payable within 30 days of the date on the order.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Consent Order for Walgreens #5730, AR20236, Kim Collins, P.D., #PD08044, and Danyel Gabel, Provisional Tech #PN01695 as presented. Ms. Capps seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for D & E Pharmaceuticals, Inc., #LC00107. The order was signed admitting to the charge that after the effective date of Act 256 of 2005, the respondent shipped products containing pseudoephedrine into Arkansas without a license to distribute prescription drugs. By signing the order, the respondent has agreed to a monetary penalty of \$10,000 payable within 30 days of the date on the order and the List I Chemical license is to be placed on probation for a period of three years.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Order for D & E Pharmaceuticals, Inc., #LC00107 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for Jim McMahan, P.D., #PD06936. By signing the order, Dr. McMahan has agreed to sign a contract with the Support Group.

**BOARD ACTION:**

Dr. Norris made the motion to accept the Consent Order for Jim McMahan, P.D., #PD06936 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Shannon Aures, Pharmacy Technician #PT90642**. Ms. Aures 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. Norris made the motion to accept the Agreed Temporary Order for Shannon Aures, Pharmacy Technician #PT90642 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Waylon Bullock, P.D., #PD08207**. Dr. Bullock 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:**

Ms. Capps made the motion to accept the Agreed Temporary Order for Waylon Bullock, P.D., #PD08207 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Gennifer Walker, Pharmacy Technician #PT90198**. Ms. Walker 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. Norris made the motion to accept the Agreed Temporary Order for Gennifer Walker, Pharmacy Technician #PT90198 as presented. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Tammy Walker, Pharmacy Technician #PT87374**. Ms. Walker 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. Post made the motion to accept the Agreed Temporary Order for Tammy Walker, Pharmacy Technician #PT87374 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Affidavit of Surrender for **Tammy Ward, Pharmacy Technician #PT83473**. Ms. Ward has admitted to stealing Hydrocodone tablets from the pharmacy in which she was employed for personal use and without the authorization of a practitioner. Dr. Kirtley said that for all intents and purposes, this is a revocation.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Affidavit of Surrender for Tammy Ward, Pharmacy Technician #PT83473 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Pharmacy Technician Applicant Brandy Lynch, Provisional #PN01529**. Ms. Lynch 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 Temporary Order for Pharmacy Technician Applicant Brandy Lynch, Provisional #PN01529 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Tyler Blair, Pharmacy Technician #PT88336**. Mr. Blair 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. Newsome made the motion to accept the Agreed Temporary Order for Tyler Blair, Pharmacy Technician #PT88336 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

**Debra Montgomery, P.D., #PD06958**, appeared before the Board to request to be the pharmacist in charge of a pharmacy. Dr. Campbell explained that in 1993 it was ordered that Dr. Montgomery appear before the Board in order to be the pharmacist in charge of a pharmacy.

**BOARD ACTION:**

Mr. Holiman made the motion to approve the request of Debra Montgomery, P.D., #PD06958 to become a pharmacist in charge. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Bowden presented the Board with the institutional pharmacy permit committee report. The committee members present were: Buddy Bowden, John Tipton, Ken Lancaster, Randy Wood, Charlie Campbell, Margaret Lincourt, John Kirtley, and Ron Ewing. Dr. Bowden said the committee recommends changing the nursing home regulation to include prisons and human development centers. It was also determined that the institutional permit regulation was still necessary, with some minor changes, to accommodate a few other facilities located in the state.

**BOARD ACTION:**

Dr. Norris made the motion to proceed with amendments to Regulation 04-06 and 05-00, with the amendments to be presented for a public hearing in October. The amendments may be

communicated through email with a conference call to finalize proposed amendments. Ms. Capps seconded the motion. The vote for the motion was unanimous.

Dr. Campbell reminded the Board that a DME applicant, **Berry Cold Ice, Inc.**, appeared before the Board in February. The Board tabled the request for a permit and referred some issues to the DME Advisory Committee. Dr. Campbell said the committee conducted an email meeting to decide whether or not consignment closets were recognized in Arkansas. The committee determined that there were freedom of choice issues and that consignment closets were not recognized in Arkansas by regulation.

**BOARD ACTION:**

Dr. Norris made the motion that the Board of Pharmacy does not recognize consignment closets. Dr. Bowden seconded the motion. The vote for the motion was unanimous.

Dr. McGinnis presented the Board with the committee report on service criteria for LTC. He said it was the intent of the committee to look at the ten criteria and incorporate it with Arkansas law. Dr. McGinnis went over each of the ten criteria with the Board. He said the statement, "Any pharmacy meeting these criteria must be allowed to provide services to any LTC" should be printed on the bottom of the document. Dr. Campbell said if the Board adopts this document, it will be provided to any person who wishes to provide services to LTC facilities.

**BOARD ACTION:**

Mr. Holiman made the motion to adopt the Performance and Service Criteria for LTC pharmacies (LTCP's) as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

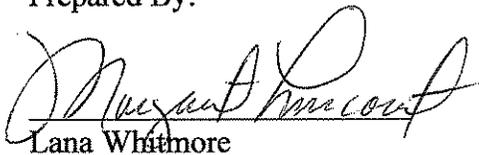
**BOARD ACTION:**

Ms. Capps made the motion that Ronnie Norris is to be named President of the Board, Bob Dufour is Vice-President, and Lenora Newsome is Secretary. Dr. Post seconded the motion. The vote for the motion was unanimous.

Ms. Capps thanked Dr. McGinnis for the excellent job he has done as the President of the Board during the past two years.

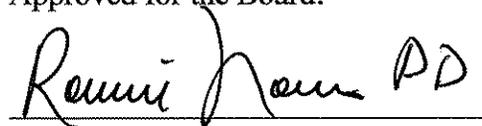
The meeting was adjourned.

Prepared By:



Lana Whitmore  
By Margaret Lincourt

Approved for the Board:



Ronnie Norris, P.D., President