

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 October 14-15, 2008. The meeting was held at the Board office at 101 E. Capitol, Ste. 218, Little Rock, AR 72201

Tuesday – October 14, 2008

The meeting was called to order by Bob Dufour, P.D., President. Members present were Lenora Newsome, P.D.; Benji Post, P.D.; Marilyn Sitzes, P.D.; Steve Bryant, P.D. 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; Inspector C.C. Frazier, Jr.; Erika Gee, staff attorney and Kelly Kendall, Administrative Assistant.

BOARD ACTION:

Dr. Post made the motion that the minutes of the February 2008 Board Meeting be approved as amended. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The financial report was discussed.

BOARD ACTION:

Mr. Holiman made the motion that the financial report be approved.
Dr. Bryant 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:

Donna Aitoumeziane
Norman Bartmess
Charles Best
Kirs Bottrell
Christopher Bracale
Ann Campagna
Rita Champaneria
Jaime Chapman
Melanie Claborn
Jarrod Clark
Ajay Desai
Cynthia Dodd
Steven Gale
Sameh Garas

Terri Ghitman
Stephanie Gustafson
John Helfrich
Mary King
Thomas Koontz
Jonette Kunard
Daniel Lewis, II
Jessica Liska
Brian Marquis
Steven McKay
AnnaMcWilliams
Levi McWilliams
Geoffrey Millecker
David Milligan

Katherine Moriau
Beth Neiman
David Nygren
Si Pham
Stephen Poignon
Jonathan Reibstein
Matthew Roesch
Amal Salloum
Chad Sherary
Susan Smith
Jeffrey Strasnick
Inez Suarez
Anthony Tascione
Brandon Thornton

Christopher Turpin
Lora Van Dyke

Theresa Waugh
Kelly Wick

Andrea Wright
Deborah Zagala

BOARD ACTION:

Dr. Newsome made the motion to approve the above applicants for reciprocity licensure in Arkansas. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Campbell discussed CE with the applicants. He explained that they must submit 30 hours of CE, of which 12 hours must be live patient care/drug therapy at the time of renewal on 12/31/2009.

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

Lisa Cancel

Dawn McNamara

Russell White

BOARD ACTION:

Mr. Holiman made the motion to approve the above applicants for reciprocity licensure in Arkansas pending the completion of the application process. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Ronnie Norris, Board Member arrived.

David Valerio appeared on behalf of American Health Care Hospital to discuss their Discount Pricing Program.

Dan Luce of Walgreens and Tim Koch of Wal-Mart appeared to make a presentations and discuss Off Site Order Entry.

Tim Koch of Wal-Mart appeared to give an update on the APM (Automated Prescription Machine) pilot project.

BOARD ACTION:

Dr. Post made the motion to extend the pilot project for 6 months and allow them to use it on a 24 hour basis and report back with an update at the June Board meeting. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Lynette Selden appeared before the Board to ask that her application for Pharmacy Technician be approved.

BOARD ACTION:

Dr. Post made the motion to grant Ms. Selden an exemption and issue her a pharmacy technician license. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Dianne Maggio, #PT93263**. Ms. Maggio signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Dianne Maggio, #PT93263 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Cornelia N. Banks, #PT88981**. Ms. Banks signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Cornelia N. Banks, #PT88981 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Kimbra Butler, #PT89439**. Ms. Butler signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Kimbra Butler, #PT89439 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Ronald Salinard, #PD08132**. Dr. Salinard signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Ronald Salinard, #PD08132 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Stuart Freeman, #PT91885**. Mr. Freeman signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Stuart Freeman, #PT91855 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **James Shook, #PD07410**. Dr. Shook signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for James Shook, #PD07410 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Richard Bonds, #PT91492**. Mr. Bonds signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Richard Bonds, #PT91492 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Michael Frost, #PD06613**. Dr. Frost signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Michael Frost, #PD06613 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Jeneen McPherson, #PD08644**. Dr. McPherson signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Jeneen McPherson, #PD08644 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Kimberly Wooten, #PT84620**. Ms. Wooten signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Kimberly Wooten, #PT84620 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Tonya Jackson, #PT84950**. Ms. Jackson signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Tonya Jackson, #PT84950 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Brian Rauls, #PT92349**. Mr. Rauls signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a pharmacy on the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Newsome made the motion to accept the Agreed Temporary Order for Brian Rauls, #PT92349 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Amneal Pharmaceuticals, #WD02355**. By signing the order, Amneal Pharmaceuticals has agreed to pay a monetary penalty of \$1,000 by December 1, 2008.

BOARD ACTION:

Dr. Post made the motion to accept the Consent Agreement for Amneal Pharmaceuticals, #WD02355. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Judy Henry, #PD10001**. By signing the order, Dr. Henry has agreed to submit 8 hours of CE by December 31, 2008 and pay a monetary penalty of \$400 by November 1, 2008.

BOARD ACTION:

Dr. Post made the motion to accept the Consent Agreement for Judy Henry, #PD10001. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **SAJ Distributors, #WD01515**. By signing the order, SAJ Distributors has agreed to pay a monetary penalty of \$5,000 by November 30, 2008.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Agreement for SAJ Distributors, #WD01515. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **McQueary Brothers Drug Company, #WD00348**. By signing the order, McQueary Brothers Drug Company has agreed to pay a monetary penalty of \$1,000 by August 30, 2008.

BOARD ACTION:

Dr. Bryant made the motion to accept the Consent Agreement for McQueary Brothers Drug Company. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Michael Soo, #PD07376**. By signing the order, Dr. Soo has agreed to complete 6 hours of CE, of which 3 shall be related to patient safety/medication errors and 3 shall be related to compounding skills, in addition to the 30 hours required for renewal, by November 30, 2008 and pay a monetary penalty of \$250 by November 15, 2008.

BOARD ACTION:

Dr. Bryant made the motion to accept the Consent Agreement for Michael Soo, #PDP07376. Dr. Sitzes seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Billy Haynes, #PD07587**. By signing the order, Dr. Haynes has agreed to complete 6 hours of CE, in addition to the 30 hours required for renewal, related to preventing patient safety/medication errors and pay a monetary penalty of \$250 by November 6, 2008.

BOARD ACTION:

Dr. Norris made the motion to accept the Consent Agreement for Billy Haynes, #PD07587. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Harvest Foods Pharmacy-3140, #AR20210**. By signing the order, Respondent Harvest Foods Pharmacy-3140 has agreed to pay \$1,000 to the Board.

BOARD ACTION:

Mr. Holiman made the motion to accept the Consent Order for Harvest Foods Pharmacy-3140, #AR20210. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Morrilton Food and Drug, #AR20562**. By signing the order, Respondent Morrilton Food and Drug has agreed to pay \$1,000 to the Board.

BOARD ACTION:

Dr. Norris made the motion to accept the Consent Order for Morrilton Food and Drug, #AR20562. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **USA Drug Express #11, #AR18043**. By signing the order, Respondent USA Drug Express #11 has agreed to pay \$1,000 to the Board.

BOARD ACTION:

Dr. Bryant made the motion to accept the Consent Order for USA Drug Express #11, #AR18043. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented an update on Doctors of Oriental Medicine and reviewed letters written to the Arkansas State Board of Acupuncture and Related Techniques, the response for ASBART and a letter requesting an opinion from the Attorney General.

Dr. Kirtley presented an update on Multi-Dose Bubble Packs.

Representatives for the following facilities appeared before the Board requesting to participate in the Reuse Clinic Pilot Program:

Eureka Christian Health Outreach, Eureka
The Christian Health Center, Inc., Heber Springs
Lonoke County Christian Clinic, Inc., Cabot
Mission Outreach Charitable Clinic, Paragould

BOARD ACTION:

Dr. Post made the motion to allow Eureka Christian Health Outreach to participate in the Reuse Clinic Pilot Program. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Newsome made the motion to allow The Christian Health Center to participate in the Reuse Clinic Pilot Program. Dr. Bryant seconded the motion. The vote for the motion was unanimous

BOARD ACTION:

Dr. Norris made the motion to allow Lonoke County Christian Clinic, Inc. to participate in the Reuse Clinic Pilot Program. Dr. Newsome seconded the motion. The vote for the motion was unanimous

BOARD ACTION:

Dr. Bryant made the motion to allow Mission Outreach Charitable Clinic to participate in the Reuse Clinic Pilot Program. Dr. Norris seconded the motion. The vote for the motion was unanimous

Reeve Sams appeared on behalf of the Springdale Treatment Center to discuss the hours of operation and PIC requirements for the facility.

BOARD ACTION:

Dr. Post made the motion to allow a pharmacist to act as a PIC at a methodone clinic and a retail location as long as the total number of hours worked does not exceed 55 hours.

Dr. Post withdrew his motion.

Dr. Norris made the motion to allow a pharmacist to act as a PIC at Springdale Treatment Center and a retail location as long as the facility is not open more than 30 hours a week. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Bryant made the motion to allow Springdale Treatment Center to operate for 5 hours per week. There was no second.

BOARD ACTION:

Dr. Sitzes made the motion that Springdale Treatment Center operate the minimum number of 10 hours. Dr. Newsome seconded the motion. The vote for the motion passed.

Dr. Norris requested that the Board give the Dumas hospital an extension on their search for a PIC.

BOARD ACTION:

Dr. Post made the motion that the Board give Dr. Campbell executive discretion in giving the Dumas hospital an extension on their search for a PIC. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with issues to be addressed during the upcoming legislative session.

Wednesday – October 15, 2008

The meeting was called to order by Bob Dufour, P.D., President. Members present were Lenora Newsome, P.D.; Benji Post, P.D.; Steve Bryant, P.D. 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; Inspector C.C. Frazier, Jr.; Inspector Rusty McSpadden; Erika Gee, staff attorney and Kelly Kendall, Administrative Assistant.

Jim McMahan, #PD06936 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. Post made the motion that the Board convert Dr. McMahan's Agreed Order to a Consent Order. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Waylon Bullock, #PD08207 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:

Mr. Holiman made the motion that the Board convert Dr. Bullock's Agreed Order to a Consent Order. Dr. Bryant seconded the motion. The vote for the motion failed.

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 his behalf and recommended to the Board that the change be made.

BOARD ACTION:

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

Brad Renick, #PD10589 appeared before the Board requesting to become a PIC and Preceptor.

BOARD ACTION:

Dr. Newsome made the motion that the Board approve Dr. Renick's request to become a PIC and Preceptor. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Norris arrived for the meeting.

A Public Hearing on Regulations 4 and 8 was called to order at 9:39 am.

Regulation 4 – Pharmacy

The proposed changes will clarify the storage of refrigerated items, rearrange sections of the regulation to be more concise and clear, and update areas of the regulation to reflect previous changes in the statutes and regulations reflecting the biennial renewal of permits and the time requirements and responsibilities of pharmacists.

There was no public comment for the regulation change.

BOARD ACTION:

Mr. Holiman made the motion to accept the amendment to Regulation 4 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Regulation 8 – Wholesale Distribution

The proposed changes will clarify the requirement for a wholesale distributor in Arkansas to report thefts or losses of controlled substances in a timely manner.

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

BOARD ACTION:

Dr. Newsome made the motion to accept the amendment to Regulation 4 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Public Hearing on Regulations was concluded at 9:45 am.

Representatives from UAMS College of Pharmacy and Harding College of Pharmacy appeared before the Board to discuss Experiential Programs.

BOARD ACTION:

Dr. Bryant made the motion to make regulation changes to allow interns to receive their intern license upon enrollment in the College of Pharmacy. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The Board discussed the Out-of-State Application for the University of Arizona Pharmacy Service.

The Board discussed pharmacy services provided to the oncology patients seen at the UAMS Medical Center. The Board concluded that these patient services could be performed under the hospital license rather than providing them under the retail pharmacy license and in a physical location removed from the existing retail pharmacy. In addition, the Board concluded that it is acceptable to periodically dispense up to a 72 hours supply of supportive medications from the "satellite" under the hospital license. Medication needs greater than a 72 hours supply must be dispensed from the UAMS Outpatient Pharmacy or another retail pharmacy at the patient's discretion.

Byron Daudrill appeared before the Board on behalf of NEA Baptist Memorial Hospital Main Campus to request off site order entry to service NEA Baptist Memorial Hospital Surgical Campus.

BOARD ACTION:

Dr. Post made the motion to approve the request for off site order entry. Dr. Norris seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Prepared By:

Approved for the Board:

Kelly Kendall

Bob Dufour, P.D., President