

ARKANSAS STATE BOARD OF PHARMACY
322 South Main St., Suite 600
Little Rock, AR 72201

Tuesday, June 5, 2018

The Arkansas State Board of Pharmacy met for a regular scheduled Board meeting on June 5th, 2018. The meeting was held at the Arkansas State Board of Pharmacy office at 322 South Main St., Suite 600, Little Rock, AR.

The meeting was called to order by Tom Warmack, P.D., President.

Members present:

- * Steve Bryant, P.D.
- * Debbie Mack, P.D.
- * Lenora Newsome, P.D.
- * Becca Mitchell, Pharm.D.
- * Ken Lancaster, P.D.
- * Amy Fore, MHSA
- * Carol Rader, RN

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Brenda McCrady, P.D, Assistant Director
- * Luke Daniel, General Counsel
- * Kevin Robertson, Pharm.D., Inspector
- * Cindy Fain, P.D., Inspector
- * Rusty McSpadden, P.D., Inspector
- * Lana Whitmore, CFO

No members were absent.

The minutes from the February 2018 Board Meeting were reviewed.

BOARD ACTION:

Dr. Bryant made the motion that the minutes of the February 2018 Board Meeting be approved. Dr. Mitchell seconded the motion. The vote for the motion was unanimous.

Mrs. Whitmore presented the Board with the financial report for review.

BOARD ACTION:

Dr. Newsome made the motion to accept the financial report. Dr. Mack 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:

Naomi		Abrahamson
Richard	Paul	Anderson
David	John	Aylward
Aaron	Robert	Bean
Arreiva	L	Benson-Papillion
Tammy	Jo	Blady

Carol	Le	Born
Douglas	Barnett	Braun
Bruce	Curtis	Bright
Tamara	Renee	Brown
Lindsey	Jean	Butler
Phillip		Chen
Larissa	Kim	Chin
Kevin	James	Copple
Leah	Elise	Davis
Jerry	David	Depa
Todd	Michael	Donnelly
Neil	Francis	Ducote
Joel	Mark	Engle
Stacy	Woltman	Flynn
Ryan	Kurtis	Frickel
Muriel		Garza
Amanda	Kay	Giuttari
Jessica	Marie	Glas
Ryan	R.	Goodkin
Ryan	Joseph	Grealis
Dawood	Ahmad	Hamdani
Jacqueline	Tull	Hardin
Michelle	Elizabeth	Godar Harris
Cecelia	Moseley	Hovis
James		Hu
Minhda	Kim	Huynh
Talia	Kay	Janzen
Kimberley	Jo	Jaques
Jan	Elizabeth	Jones
Laurie	L	Kennedy-Magana
Alma		Kohler
Ashlee	Nicole	Lonon
Austin	Ryder	Lucht
Ashley	Elizabeth	Lummus
Marius		Maree
Jonathan	Robert	Morrow
Justin	Kory	Neal
Jennifer	Richards	Newman
John	Hai	Nguyen
Jill	Marie	Olson
Kimberly	D.	Peebles

Patty	Denise	Pena
Robert	Michael	Pienkos
Timothy	Michael	Potts
Christiana	Marie	Purser
Rhonda	J.	Putman
Lauren	Marie	Quinton
Elaine	Marie	Ripplinger
Nicole	M.	Rosenke
Austin	Charles	Russian
Randeep	Kaur	Sangha
Elizabeth	Michelle	Schlachter
Brian	Donnell	Schultz
Jill	Maureen	Seifert
Peter	Michael	Serio
Lori	Ann	Sheehan
Cesar	Robert	Sison Jr.
Sawaya	Muree	Smith
Ashley	Amelia	Stevenson
William	Mark	Sullivan
Trina	Nguyen	Vuong
Maya	Chen	Wai
Jana	C.	Waller
Erika	Jane Marie	Wanner
Siu	Hiu	Wu
Ting-Yueh		Yang
Yeng		Yang

Dr. Warmack provided information regarding the Arkansas Pharmacists Association to the applicants. Dr. Kirtley explained Arkansas' continuing education requirements and invited applicants to join the the Arkansas Pharmacist Q & A Facebook page.

BOARD ACTION:

Dr. Mack made the motion to approve the above applicants for reciprocity. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Tammy Blady with Precision Healthcare, Inc., located in Nashville, Tennessee appeared before the Board to discuss a fine levied through a non-disciplinary Consent Agreement.

BOARD ACTION:

Dr. Newsome made the motion to amend the Non-Disciplinary Consent Order for Precision Healthcare, Inc., OS02289 to reflect the \$2,500 fine is due by June 22, 2018. Dr. Mack seconded the motion. The vote for the motion was unanimous.

Board Staff discussed potential issues with the VA system and the inability for the Board of Pharmacy to access information or ensure compliance with Arkansas pharmacy laws and regulations within the VA and other non-licensed or permitted federal facilities in Arkansas.

BOARD ACTION:

Dr. Mack made a motion that beginning January 1, 2019; all clinical rotations in any federal facility must be in approved licensed or permitted facilities. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Board discussed the upcoming September Board Meeting. Mr. Daniel informed the Board that there will be several complicated hearings and suggested the meeting be extended to three days.

BOARD ACTION:

Dr. Bryant made the motion to add an additional day to the September 2018 Board Meeting. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Denise Zahorchak and Tiffany Keathley with Diamond Pharmacy Services appeared before the Board as requested by the informal committee. They appeared to request additional medications to be added to the approved stock medication list for Arkansas Department of Corrections facilities.

BOARD ACTION:

Dr. Bryant made the motion to add the following to the DOC emergency stock list: Bupropion 75mg and 100mg tablets, Buspirone 10mg and 15 mg tablets, Ondansetron 4mg tablets, Topiramate 25mg tablets, Tetracaine 0.5% oph drops (for eye clinic use only); for SNU Hospital unit at Ouachita use only: Cefepime 1gm injection and Linezolid 600mg injection; and the deletion of erythromycin 250mg tablet from the stock list. Dr. Mitchell seconded the motion. The vote for the motion was unanimous.

Denise Robertson appeared before the Board to provide an update to the Prescription Monitoring Program.

Jason Derden and Michael Munnerlyn with Arkansas Medicaid appeared in front of the Board to provide an update to the Long-Acting Reversible Contraceptive (LARC) program as requested by the Board. Mr. Munnerlyn told the Board the Division of Medical Services (DMS) has not yet received final approval by the Centers for Medicare and Medicaid Services for the LARC program, but they are expecting it soon. Once the waiver is received, they will begin the process of placing the program out for bid. Dr. Derden and Mr. Munnerlyn requested an extension for the approved pilot program.

BOARD ACTION:

Dr. Mack made the motion to extend the existing waiver until the February 2019 Board Meeting. Dr. Mitchell seconded the motion. The vote for the motion was unanimous.

Kathryn Griffin from the governor's office appeared before the Board to provide an update on the Crisis Stabilization Units, and the implementation of Act 423 of 2017. In February, Ms. Griffin received approval from the Board for a list of stock medications to be used for emergency needs in the facilities. At that time, she was instructed by board staff to submit any proposed changes to the list to be presented to the Board by the next meeting. Ms. Griffin and the Board went over the amended list together and made changes.

BOARD ACTION:

Dr. Bryant made the motion to approve the adjustments to the emergency drug kit for the Crisis Stabilization Units. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The Board discussed regulation review for the Board of Pharmacy pursuant to Arkansas Act 781 – Dodson Bill. Carlton Saffa with the Governor's Office explained the purpose of the Act to the Board.

The Board discussed pick up station waivers for Rehabilitative Services for Personal and Mental Illness (RSPMI).

BOARD ACTION:

Dr. Bryant made the motion to extend the pickup station waiver for RSPMI to September 28, 2018. Dr. Mack seconded the motion. The vote for the motion was unanimous.

John Rocchio with CVS Health appeared before the Board to request approval for workload balancing between his Arkansas licensed stores located within the borders of Arkansas. He previously appeared before the informal committee and they requested he appear before the full Board before making a decision on his request.

BOARD ACTION:

Dr. Newsome made the motion to approve the request. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Emergency Hearings

The Board conducted an emergency hearing in the matter of Joni Gomez, PT02758. Dr. Mack recused from the hearing.

BOARD ACTION:

Dr. Mitchell made the motion to suspend the pharmacy technician permit of Joni Gomez, PT02758 until a hearing can be conducted during the September Board meeting. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Board conducted an emergency hearing in the matter of Jessica Doerflein, PT07116.

BOARD ACTION:

Dr. Bryant made the motion to suspend the pharmacy technician permit of Jessica Doerflein, PT07116 until a hearing could be conducted during the September Board meeting. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. McCrady presented the Board with Consent Orders, Consent Agreements, Probation Consent Orders, Probation Orders, and Voluntary Surrender and/or Voluntary Agreements and Orders of Surrender of License.

BOARD ACTION:

Dr. Mack made the motion to approve and accept all orders and agreements as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Wednesday, June 6, 2018

The meeting was called to order by Tom Warmack, P.D., President.

Members present:

- * Steve Bryant, P.D.
- * Debbie Mack, P.D.
- * Lenora Newsome, P.D.
- * Becca Mitchell, Pharm.D.
- * Ken Lancaster, P.D.
- * Amy Fore, MHSA
- * Carol Rader, RN

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Brenda McCrady, P.D, Assistant Director
- * Luke Daniel, General Counsel
- * Kevin Robertson, Pharm.D., Inspector
- * Rusty McSpadden, P.D., Inspector
- * Cindy Fain, P.D., Inspector
- * Lana Whitmore, CFO

A Public Hearing on Regulation changes was called to Order at 9:09 a.m.

Regulation 5 – Drug Products/Prescriptions

The proposed changes will update language regarding destruction of unused drugs for long-term care facilities to remove outdated language; update emergency kit guidelines for use in long-term care; and establish a list of emergency medications that can be used in Crisis Stabilization Units.

John Rocchio with CVS Health spoke in opposition of Board restrictions on certain medication classes.

BOARD ACTION:

Dr. Newsome made the motion to accept the changes to Regulation 5 as presented. Dr. Lancaster seconded the motion. The vote for the motion was unanimous.

Regulation 7 – Drug Products/Prescriptions

The proposed changes will reduce regulatory burdens when transferring prescriptions between pharmacies; and add language to specify that a pharmacist cannot dispense more of a schedule II narcotic medication than a prescriber can prescribe as required by Act 820 of 2017.

John Rocchio with CVS Health spoke in favor of the regulation changes in general; however, he did have some opposition regarding the language mandating a verbal validation via telephone.

Ben Sims with Brookshire Grocery Company requested clarification on the regulation changes.

BOARD ACTION:

Dr. Bryant made the motion to table the regulation change until the September Board Meeting; Board will discuss changes for a refile. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Regulation 8 – Wholesale Distribution

The proposed changes will clarify language in Regulation 8 to match statutory language in 17-92-108 and will also allow an outsourcing facility to operate under a single permit if they do not provide medications directly to patients.

There was no public comment in favor/opposition of the regulation changes.

BOARD ACTION:

Dr. Mitchell made the motion to accept the changes to Regulation 8 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Public Hearing was closed at 9:58.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Ashley Ann Allen, Pharmacy Technician Applicant**, Case #2018-046. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara

Hall. The Board was represented by Luke Daniel. The Respondent was not represented by counsel.

BOARD ACTION

Dr. Bryant made the motion that in the matter of **Ashley Ann Allen, Pharmacy Technician Applicant**, Case #2018-046, the pharmacy technician application is approved. Dr. Lancaster seconded the motion. The vote for the motion is four to three the motion passes.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Aniaya Valencia Jackson, Pharmacy Technician Application**, Case #2018-022. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara Hall. The Board was represented by Luke Daniel. The Respondent was not represented by counsel.

BOARD ACTION

Dr. Bryant made the motion that in the matter of **Aniaya Valencia Jackson, Pharmacy Technician Applicant**, Case #2018-022, the Board moves to deny her pharmacy technician application. Dr. Mack seconded the motion. Dr. Newsome recused from the vote. The motion passes.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Gregory Lamar Crosby, Sr., PT01279**, Case #2018-015. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara Hall. The Board was represented by Luke Daniel. The Respondent was not represented by counsel.

BOARD ACTION

Dr. Bryant made the motion that in the matter of **Gregory Lamar Crosby, Sr., PT01279**, Case #2018-015, the Board moves to reinstate his pharmacy technician permit. Dr. Lancaster seconded the motion. Dr. Newsome abstained from the vote. The vote for the motion was tied three to three. The Board went off the record for additional discussion.

BOARD ACTION

Dr. Bryant withdraws his motion. Dr. Mitchell seconded the motion. The vote for the motion was unanimous.

BOARD ACTION

Dr. Bryant made the motion that in the matter of **Gregory Lamar Crosby, Sr., PT01279**, Case #2018-015, the Board moves to reinstate his pharmacy technician permit contingent upon monthly drug testing from a qualified testing lab and those results be sent directly from lab to board staff and testing occurs monthly within three days of date determined by board staff for one year in

addition, the Board acts as the MRO. Ms. Fore seconded the motion. Dr. Newsome abstained from the vote. The vote for the motion passes four to two.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Josie Christian Cranford, PT06872**, Case #2018-039. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara Hall. The Board was represented by Luke Daniel. The Respondent was not represented by counsel.

BOARD ACTION

Dr. Newsome made the motion that in the matter of **Josie Christian Cranford, PT06872**, Case #2018-039, the Board moves to revoke her pharmacy technician permit. Dr. Mitchell seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Sara Jay Thomas, Pharmacy Technician Applicant**, Case #2018-033. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara Hall. The Board was represented by Luke Daniel. The Respondent was not represented by counsel.

BOARD ACTION

Dr. Bryant made the motion that in the matter of **Sara Jay Thomas, Pharmacy Technician Applicant**, Case #2018-033, the Board moves to grant a pharmacy technician permit to Sara Jay Thomas. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Sarah Rochelle Harrell, PT06806**, Case #2017-148. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara Hall. The Board was represented by Luke Daniel. The Respondent was not present.

BOARD ACTION

Dr. Mack made the motion that in the matter of **Sarah Rochelle Harrell, PT06806**, Case #2017-148, the Board moves to revoke her pharmacy technician permit. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Stevell Bernard Reed, PT07143**, Case #2018-001. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara Hall. The Board was represented by Luke Daniel. The Respondent was not present.

BOARD ACTION

Dr. Mack made the motion that in the matter of **Stevelle Bernard Reed, PT07143**, Case #2018-001, the Board moves to revoke his pharmacy technician permit. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Christopher Joseph Smith, PT02291**, Case #2018-028. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara Hall. The Board was represented by Luke Daniel. The Respondent was not present.

BOARD ACTION

Dr. Mack made the motion that in the matter of **Christopher Joseph Smith, PT02291**, Case #2018-028, the Board moves to revoke his pharmacy technician permit. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Margaret Ashley Woodruff, Pharmacy Technician Applicant**, Case #2018-030. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara Hall. The Board was represented by Luke Daniel. The Respondent was not present.

BOARD ACTION

Dr. Mack made the motion that in the matter of **Margaret Ashley Woodruff, Pharmacy Technician Applicant**, Case #2018-030, the Board moves to deny her pharmacy technician application. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Shawnta Renee Rauls, PT04629**, Case #2018-029. Dr. Warmack called the hearing to order and turned the proceeding over to the Hearing Officer, Dara Hall. The Board was represented by Luke Daniel. The Respondent was not present.

BOARD ACTION

Dr. Mack made the motion that in the matter of **Shawnta Renee Rauls, PT04629**, Case #2018-029, the Board moves to revoke her pharmacy technician permit. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Discussion Items

Dr. Kirtley presented the Board with updates to the amendment to Regulation 07. Dr. Kirtley told the Board he will have the regulations ready for a public hearing at the September Board Meeting.

The Board election for officers was held.

BOARD ACTION:

Dr. Bryant made the motion for Dr. Lenora Newsome to be the President, and Dr. Deborah Mack to be the Vice-President/Secretary beginning at the end of this June Board Meeting. Dr. Mitchell seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with the updates they recommended for the amendment to Regulation 07. Dr. Kirtley said he will have the regulations ready for a public hearing at the September Board Meeting.

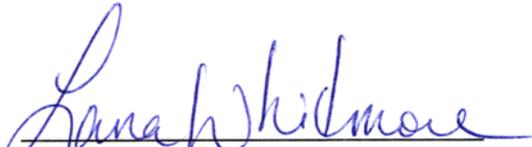
BOARD ACTION:

Dr. Mack made the motion that in the matter of Genoa, a QoI Healthcare Company, LLC, the Board Order from the February Board meeting is to be modified to make it a non-disciplinary investigative cost. Dr. Mitchell seconded the motion. The vote for the motion was unanimous.

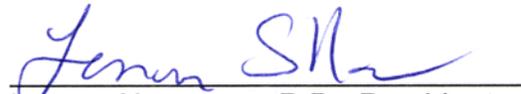
Dr. Kirtley presented the Board with the Authorization to Conduct Board of Pharmacy Oversight Activities form. This form is to be signed by the Board president and allows the Board of Pharmacy's Executive Director, Assistant Director, and Inspectors authorization to enter pharmacies and review records on behalf of the Board.

The meeting was adjourned.

Prepared by:


Lana Whitmore, CFO

Approved for the Board:


Lenora Newsome, P.D., President