

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

Tuesday, June 14, 2016

The Arkansas State Board of Pharmacy met for a regular scheduled Board meeting on June 14th and 15th, 2016. 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 Lenora Newsome, P.D., President.

Members present:

- * Stephanie O'Neal, P.D.
- * Thomas Warmack, P.D.
- * Kevin Robertson, Pharm.D.;
- * Steve Bryant, P.D.
- * Debbie Mack, P.D.
- * James Burgess, D.D.S.
- * Carol Rader, RN.

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Brenda McCrady, P.D, Assistant Director
- * Chris Carnahan, General Counsel
- * Inspector Ron Ewing, P.D.
- * Inspector Clyde Frazier, P.D.
- * Inspector Rusty McSpadden, P.D.
- * Lana Whitmore, CFO

No Members absent.

No Staff absent.

State Representatives Justin Boyd and Warwick Sabin appeared in front of the Board to present the Arkansas State Board of Pharmacy with a House of Representatives Citation issued by Representative Boyd, Representative Sabin, and Representative Clarke Tucker for receiving the Fred T. Mahaffey Award from the National Association of Boards of Pharmacy. The Fred T. Mahaffey Award was issued in part because of the Board's partnerships with the Arkansas National Guard and several law enforcement agencies resulted in more than 37,000 pounds of drugs being removed from homes and destroyed responsibly to prevent abuse and misuse of prescription drugs.

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

BOARD ACTION:

Dr. O'Neal made the motion to accept the financial report. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The minutes from the February 2016 and March 2016 meeting were reviewed.

BOARD ACTION:

Dr. O'Neal made the motion that the minutes of the February 2016 and March 2016 meeting be approved. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

Dr. Newsome introduced the Board's newest member, Debbie Mack.

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:

Bamidele Dauda Abdullahi
Simrit Kaur Bassett
Vicki Lynn Beasley
Terrell Wayne Bohannon
Julienne L Brehm
Sarah Briant
Marlia Ann Burke
Kelly Alana Caldbeck
Mark Anthony Carlson
Sara Lee Collins
Jordan Mary-Grace Cresswell
Sarah Hill Davidson
Dick J. Derks
Erin Elizabeth Derks
Michele Louise Dunkeson
Emily Marie Ellsworth
Ryan Todd Elrod
Patrick Ezihe
Jennifer Marie Fernandez
Angela Ngan Foley
Karen Baum Fosse
Lisa Wilcox Fowler
Brittany Daniell Franklin
Alan Michael Frydrychowski
Laura Lynn Gant
Sofia Gavas
Christa Eve Geduldig
Erin Elizabeth Harris
Lauren Pickering Harris
Ashley Smith Hempfling
Jacob Aaron Hicks
Bobby Quoc Hoang
Huy Dang Tuong Hoang
Adrienne Michelle Horn
Kevin Richard Hunsicker
Rebecca Marie Jackson
Karen Goldman Jernigan
Lauren Michelle Jindracek
John Paul Kamm
Jennifer Joeun Kil

Sylwia Kulik
Melissa Graham Kurtz
James Paul LaBella
Allen Wayne Law
Christopher Lee
Debra Lynn Legner
Julietta Y Leung
Subhashini Macha
Rebecca Darlene Maintz
Julie Ann May-Arends
Kerri Shea McAdoo
Jane Louise Montijo
Jennifer Gayle Mooney
Joseph Michael Mulroy
Ramy Raafat Naguib Attia
Enkhtuul Annie Natsagdorj
Randy Sampson Nemecek
Danielle Marie Neupauer
Thanh Quang Ngo
Tam Khac Nguyen
Tiffney Young Palmer
Jaskaran Singh parmar
Pratima Uresh Patel
Bradley hamlin Paulk
Stephen Alan Persons
Chaela Sickbert Presley
Ronald Steven Rambally
Jessica Lynn Reding
Cheryl branes Reid
Stefanie Michelle Reid
William Anthony Richey
Perry Warren Ripple
Cynthia Crain Robinson
Lonnie Jo Ross
Sajal Kumar Roy
Angela Rae Scarborough
Dominique Nicole Seng
Nicole Arlene Sharfner
Patrick Joseph Southall
Wesley Ryan Streck
Robin McCoy Thompson
Sy Quoc Tran
Kristi Nicole Tribuiani
Stephanie Grace Tristano

Judy Ou Truong
Amishkumar Balubhai Vanparia
Steven Lawrence Vollmer
Wilson Vong
Dona Thuy Vu
Curtis Waldvogel
Andrew Marklin Welburn

BOARD ACTION:

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

Dr. O'Neal provided the reciprocity applicants with information regarding the Arkansas Pharmacist Association. Dr. Kirtley informed the applicants of the Arkansas CE requirements as well as the CE auditing process.

Partner discussions:

- Jeff Mercer, Pharm.D., Dean for Harding University College of Pharmacy appeared before the Board to give an update on Harding College of Pharmacy. Dr. Mercer discussed open positions and newly filled positions at Harding College of Pharmacy. He also discussed the employment rate of the recent graduating class, the NAPLEX review offered this year, as well as the number of out of state students that opted to remain in Arkansas.
- Keith Olsen, Pharm.D., Dean for UAMS College of Pharmacy, appeared before the Board to give an update on UAMS College of Pharmacy. Dr. Olsen discussed the expansion of ambulatory care, the plans to work with the Board and the Association to build an integrated pharmacy practice area, and the recognition of honor graduates. Dr. Olsen said they held a preceptor retreat and used the time to discuss innovative ways to engage students. He said they plan on having a faculty retreat this summer, and he also discussed open positions at the College for which they are recruiting. Dr. Olsen provided the Board with a 2016 Graduate Salary Survey.

Dr. Kirtley, along with Dr. Olsen, discussed the Rural Health Scholarship Program for UAMS College of Pharmacy which the Board helps support. They discussed the number of current recipients and their stance in the program.

BOARD ACTION:

Dr. Warmack made the motion to allocate the funds to the UAMS loan program.
The motion dies due to the lack of a second.

DEA Assistant Special Agent in Charge, Matt Barden discussed the working relationship with DEA and Board of Pharmacy. Lisa Barnhill, DEA Diversion Group Supervisor is

relocating from the New Orleans division to Utah. He said although there are a lot of new faces at the Little Rock DEA Office, he would like to challenge everyone to continue to develop a working relationship between pharmacy and law enforcement – especially with regard to the challenge the US is currently facing with opiate abuse.

The Board of Pharmacy's Quasquicentennial Celebration was held.

Phil Reynolds and Shelley Tustison, with Wal-Mart, appeared to give the Board an update on Wal-Mart's Central Fill program. Wal-Mart was granted authority to operate the Central Fill in June 2015. Dr. Reynolds said the first store rolled out in December, 2015. The first store they used was Wal-Mart Pharmacy, Newport, AR. The filling pharmacy is their facility in Spring, Texas. The main issue was time management, because the prescriptions have to be delivered to the store and ready for the patient by 1:00 p.m. Once they were comfortable with the progress of the Newport store, they rolled out the next one, and currently the Central Fill is servicing 45 Wal-Mart Pharmacies in Arkansas. Dr. Reynolds said the benefit from this is freeing up pharmacists to tend to patients and perform more patient centered services such as immunization functions, etc. Randy Miller discussed patient satisfaction.

BOARD ACTION:

Dr. Bryant made the motion to accept the report as presented. Wal-Mart will need to come back before the Board in February to report on the central fill project with an emphasis on the clinical service benefits to patients as a result of the central fill. Dr. Robertson seconded the motion. Dr. Mack recused herself from the vote. The vote for the motion passes.

Dr. Kirtley informed the Board that he asked Mr. Carnahan to review the Naloxone Access Act, and to provide a legal primer on his stance of the Act as legal counsel for the Board. Mr. Carnahan explained the Naloxone Act talks about the dispensing of Naloxone by healthcare professionals (at one point in the Act it references healthcare professionals and pharmacists). In the actual code 20-13-1804, it specifically says healthcare professionals are granted civil immunity from their actions of dispensing Naloxone to this group of seven different types of people who are eligible to receive Naloxone. He explained that nowhere in Arkansas law does it specifically say that pharmacists are healthcare professionals, but there are references throughout the Pharmacy Practice Act and a couple of court cases that ultimately brings him to the conclusion that pharmacists are healthcare professionals, and as such if a pharmacist dispenses on a written order, or some type of an arrangement with a doctor's office, that he/she can dispense Naloxone and still have the civil immunity should anything else happen in the course of treating a patient who is having an overdose. The Board instructed Dr. Kirtley to pursue clarification from the Health Department.

Dr. McCrady presented the Board with the following Preliminary Consent Orders:

Hyland Charles Herring, PD11283

James Alden Shook, Jr., PD07410

BOARD ACTION:

Dr. Robertson made the motion to approve the Preliminary Consent Orders as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. McCrady presented the Board with a Probation Consent Order for **Elijah Remington Vinson, PD10828.**

BOARD ACTION:

Dr. O'Neal made the motion to approve the Probation Consent Order as presented. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

Dr. McCrady presented the Board with a Consent Order for **Camp's Medical Pharmacy, Inc., AR20251.** Mr. Carnahan informed the Board that after the representative from Camp's Pharmacy signed the Order, they called and asked for an extension on the \$4,385.00 payment.

BOARD ACTION:

Dr. Bryant made the motion to approve the Consent Order and grant an extension for completion of payment to July 2016. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

Dr. McCrady presented the Board with a Consent Order for **Abigail Sommer, PD13159.**

BOARD ACTION:

Dr. O'Neal made the motion to approve the Consent Order for **Abigail Sommer, PD13159** as presented. Dr. Robertson seconded the motion. Dr. Mack recused herself from the vote. The vote for the motion passes.

Dr. McCrady presented the Board with the following Consent Agreements for:

Vicksburg Special Care Pharmacy dba Aspire Rx, OS02490
Delta Drug Co., AR12990, Jeffery F. Dunn, PD05303, and Sarah Hill, PT01508
Dung Ngoc Thai, PD12120
Irmat Pharmacy (unlicensed)

Patterson Medical Supply, Inc., WD03243

Shapa, Inc., dba Rite Care Pharmacy, OS02599

Vetrxdirect, OS02392

**Adam L. Patterson, Pharmacy Tech Applicant, Stephanie Lyn Holifield, PD09873,
and Walgreens #6765, AR02323**

**Patricia Desomma, PT03432, William Bond, PD8985, and Walgreens #5789,
AR00109**

Eirie Health Service, OS02429

Imprimisrx, PA, Inc., OS02299

MatchRX, WD04016

Physician Choice Pharmacy, OS02412

Qu Va Pharma, Inc., OS01629

BOARD ACTION:

Dr. Robertson made the motion to approve the Consent Agreements as presented. Dr. O'Neal seconded the motion. Dr. Mack recused herself from the vote. The vote for the motion passes.

Dr. McCrady presented the Board with the following Voluntary Agreements for and Orders of Surrender of License and Voluntary Surrenders for:

Randi Fleming, PT01167

Tevin Devontea Abston, PT99949

Brandy Nicole Moore, PT95508

BOARD ACTION:

Dr. Warmack made the motion to approve the Voluntary Agreements for and Orders of Surrender of License and Voluntary Surrenders as presented. Dr. O'Neal 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.

BOARD ACTION:

Dr. Robertson made the motion to accept the Authorization to Conduct Board of Pharmacy Oversight Activities form as presented, through June 30, 2017. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

W. Percy Malone appeared before the Board on behalf of Allcare Pharmacy to request approval for a pick-up station at ARcare in Swifton, AR. Dr. Malone explained that Dr.

Steven Collier at ARcare approached him about providing prescriptions for his patients. He said the nearest pharmacy is 19 miles away, and many patients in the area are having trouble obtaining their medication. Dr. Malone said he would fill the prescriptions and drop them off at the clinic for patient pickup. The Board discussed the request.

BOARD ACTION:

Dr. O'Neal made the motion that pursuant to staff approval of Allcare's Policy and Procedures the request for a pick up station be approved, and to reappear before the Board in six months with an update.

After discussion of the motion, Dr. O'Neal rescinds her motion.

BOARD ACTION:



Dr. Bryant made the motion to grant Allcare Pharmacy authorization to provide a pick up station at ARcare in Swifton, AR. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley discussed office delivery of patient specific medications.

BOARD ACTION:

Dr. Robertson made the motion to approve the list of Accredited Colleges of Pharmacy with Accredited status for training purposes. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

Wednesday, June 15, 2016

The meeting was called to order by Lenora Newsome, P.D., President.

Members present:

- * Stephanie O'Neal, P.D.
- * Thomas Warmack, P.D.
- * Kevin Robertson, Pharm.D.;
- * Steve Bryant, P.D.
- * Debbie Mack, P.D.
- * James Burgess, D.D.S.
- * Carol Rader, RN.

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Brenda McCrady, P.D, Assistant Director
- * Chris Carnahan, General Counsel
- * Inspector Ron Ewing, P.D.
- * Inspector Clyde Frazier, P.D.
- * Inspector Rusty McSpadden, P.D.
- * Lana Whitmore, CFO.

No Members absent.

No Staff absent.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Channa McMahan, PT96749**. Dr. Newsome called the hearing to order and turned the proceeding over to the Hearing Officer, Charlie Moulton. Ms. McMahan was not present. Chris Carnahan was present to represent the Board.

BOARD ACTION

Dr. Bryant made the motion that in the matter of **Channa McMahan, PT96749**, Case #2015-085, the Board finds Allegations A1 – A2 are true, and Charge C1 has been proven. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

BOARD ACTION

Dr. Warmack made a motion in the matter of **Channa McMahan, PT96749**, Case #2015-085, that the pharmacy technician permit of Channa McMahan is to be revoked effective immediately. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

Mr. Carnahan gave a presentation on the roles and responsibilities of the members of the Arkansas State Board of Pharmacy, according to the Administrative Procedures Act.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Seth Hooker, Pharmacy Technician** applicant, Case #2016-046. Dr. Newsome called the hearing to order and turned the proceeding over to the Hearing Officer, Charlie Moulton. The Respondent was not present. Chris Carnahan was present to represent the Board.

Mr. Carnahan explained that the Respondent called him on the afternoon of June 14, 2016, to request a continuance.

BOARD ACTION

Dr. Robertson made the motion to reject Mr. Hooker's request for a continuance and to proceed with the hearing. Dr. Mack seconded the motion. The vote for the motion was unanimous.

BOARD ACTION

Dr. O'Neal made the motion in the matter of **Seth Hooker, Pharmacy Technician** applicant, Case #2016-046, that Allegations A1 – A4 are true, and Charge C-1 was proven. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

BOARD ACTION

Dr. O'Neal made the motion in the matter of **Seth Hooker, Pharmacy Technician** applicant, Case #2016-046, his pharmacy technician application is

denied. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

Discussion Items:

Gold certificates will be issued to Pharmacists who have met the 50 year licensure requirement during this year's Arkansas Pharmacists Association annual convention.

Dr. Kirtley presented thank you letters from the recipients of the Rural Loan Scholarship. The Board discussed continuing the Rural Scholarship program with UAMS.

BOARD ACTION:

Dr. Warmack made the motion to allocate the funds to the UAMS loan program. Dr. O'Neal seconded the motion. Dr. Bryant voted against the motion. The motion passes.

The Board discussed developing the same type of Rural Scholarship Program with Harding University College of Pharmacy.

The Board discussed ways to get the Board of Pharmacy's pharmacists on the same pay level as pharmacists in the private sector.

The Board discussed moving away from Board Certified CE Credits as well as the live CE requirement.

BOARD ACTION:

Dr. Robertson made the motion to begin the exploration process of drafting regulations, which will be effective at the beginning of the next biennium, to remove the live continuing education requirement and that all 30 hours must be ACPE accredited. Dr. Mack seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley said the Arkansas Prescription Drug Abuse Summit will be in November at Embassy Suites in Little Rock. He said they have some great speakers planned. He said both the Nursing Board and Medical Board have committed to pay \$5,000 to help support the Summit.

BOARD ACTION:

Dr. Bryant made the motion for the Board of Pharmacy to allocate funds in the amount of \$5,000 to go towards the Prescription Drug Summit. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

The Board election for officers was held.

BOARD ACTION:

Dr. Bryant made the motion for Dr. Stephanie O'Neal to be the president, Dr. Tom Warmack to be the vice-president and Dr. Kevin Robertson to be the Secretary. Dr. Mack seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Prepared by:

Lana Whitmore, CFO

Approved for the Board:



Stephanie O'Neal, P.D., President