

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

Tuesday, October 18, 2016

The Arkansas State Board of Pharmacy met for a regular scheduled Board meeting on October 18th and 19th, 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 Stephanie O'Neal, P.D., President.

Members present:

- * Thomas Warmack, P.D.
- * Steve Bryant, P.D.
- * Debbie Mack, P.D.
- * Lenora Newsome, P.D.
- * James Burgess, D.D.S.

- * **Kevin Robertson, Pharm.D.**
– absent (morning session)

- * **Carol Rader, RN – absent (all day)**

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 Staff absent.**

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

BOARD ACTION:

Dr. Warmack made the motion to accept the financial report. Dr. Mack seconded the motion. The vote for the motion was unanimous.

The minutes from the June 2016 Board Meeting were reviewed.

BOARD ACTION:

Dr. Bryant made the motion that the minutes of the June 2016 meeting be approved. Dr. Burgess 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:

Hazem Abawi
Antoinette Mostert Abouchabki
Amy Jong Alvis
Michael Anthony Ball
Penelope Lorraine Bland
Dina Linn Branch

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Alison Marie Brown
Juanita Elizabeth Bruce
Jordan Michael Bruns
Justin Scott Bryner
Robert Michael Bub
Dominick Bulone
Brent Michael Burkett
Jennifer Boyd Burton
Jay Paul Cameron
James Denzel Carpenter
Breannie A.M. Charles
Christopher Choi
Najum Mushtaq Choudhry
Rebekah Lyn Davis
Steven Vanburen Davis
Krista Katherine Davison
Richard Joseph DeBartolo
Nader Ashley Djahangiri
Lisa Nicole Dofka
Sandra Lynn Empey
Jessica Faith Erwin
Joshua Michael Finger
Jason Allen Flebotte
Denise A. Foley
Sara A. Ghannad
Danielle Lynn Gill
Leah Reinhard Gregory
Ramona Devi Hahn
Paul Benedict Hanley
Brian Joseph Headtke
Sazzad Hossain
Amy Susan Howard
Sara Beth Howes
Anh Hoang Le Huynh
David Michael Jack
Katrina Lea Jamison
Vicki H. Jung
Erin Gale Kelley
Yi Kyung Angela Kim
Allen James Koster
Rami Juan Lazeki
Kelsey Tole Lewis
Matthew Louis Loftin
Desiree Mouton Mance
Benjamin Andrew May
Joan Eunice Morillo

Katie Nicole Mothershed
Jeffrey Alan Moy
Elizabeth Jeannette Murias
William Andrew Murphy
Cindy Dao Nguyen
Reuben Kenrick Nielsen
Jamie Lynn Owen
Laurel Danbie Park
Megan Elizabeth Patch
Akash V. Patel
Tulsi Kirtee Patel
Sarah Lobello Pearson
Elizabeth Ryan Pritchard
Whitney Renee Reinke
Amber Michelle Sawyer
Joseph Allen Silea
Danielle Rosemarie Smith
Megan Grimsley Smith
Roger Dale St. Clair
Lauren Nicole Staley
Kaci Alison Thiessen
Heather Michelle Todd
Alina Viziteu
Evan Leigh Weight
Anthony M. Wiseman
Kendra Wright
Trenia Ann Yielding
Marie J. Baraga
Teresa Cadiz Gover
Mark Stephen Lazur
Nicole Jillian Leimbach
Archana Ravindra Nath
Gregory Poletaev
Harish V. Thiagaraj

Dr. Kirtley explained Arkansas' continuing education requirements to the reciprocity applicants, and Dr. O'Neal provided information regarding the Arkansas Pharmacists Association.

BOARD ACTION:

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

Kevin Robertson, Pharm.D., appeared before the Board to provide an update on Baptist Med Towers. Dr. Kirtley provided the Board with some background information on the matter. He said, in June, the Board accepted an agreement with Baptist Home Infusion

that they would not prepare any sterile products until approved by the Board. They had a FDA inspection that basically resulted in the agreement with the Board – with that, any hearings regarding Baptist Home Infusion were postponed. In the meantime, Baptist has taken a significant amount of corrective action in rebuilding the facility to meet all 797 requirements. He explained that Dr. Robertson is here today to tell the Board where they are in the process, and to request approval by the Board to resume operations once staff has inspected the facility – knowing that there will still be a hearing on those issues later. Dr. Robertson said since the last informal there has been significant progress made on the facilities. Initially the cost was going to be at least a half a million dollars just for the HVAC system. He said it has gotten a lot more than that. They have gone into a lot of detail and have been taking advice from consultants that work with the Board. The Policy and Procedures have been redone with staff being very involved in revamping the procedures using templates received from Critical Point. He said they were well on the way to having a very good operation. He said they notified FDA they would be ready by early November to begin operations again. Dr. Robertson said he was here to request the facility be allowed to go back into operations once there has been certification by a third party, an inspection by the Board, and all inspection requirements are met. Dr. Kirtley informed the Board that the staff has no problem with this approach.

BOARD ACTION:

Dr. Newsome made the motion that Baptist Home Infusion be allowed to go back into operation once all requirements are met. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

***** Board Member, Dr. Kevin Robertson is now in attendance of meeting. *****

Partner Update Issues:

Dr. Kirtley said he along with Chief Lang, from Benton Police Department, will present a presentation on Naloxone on the law enforcement side of the Prescription Drug Summit. He said they recently delivered a similar presentation together at the Law Enforcement Summit that was very well received.

Dr. Kirtley informed the Board that Arkansas has received a 3.5 million dollar grant for a five year project to help cover Naloxone, Naloxone training, and public outreach. He said he has been invited to participate with a committee to help provide guidance regarding how the resources should be spent.

Dr. Kirtley discussed the fact that DEA announced there will be an overall 25% reduction in the production of opiates next year. He also discussed the number of opiates dispensed in Arkansas. He warned there may be an increase in robberies of pharmacies.

Dr. Kirtley discussed the benefits of law enforcement having possession of, and being educated on Naloxone.

John Rocchio, PharmD., RPh, and Al Carter, PharmD., RPh MS, with CVS Health, appeared before the Board regarding a central fill rule variance request. Dr. Kirtley explained CVS appeared before the informal committee to discuss a variance to the central fill rule. They have a potential business model variance that would be similar to central fill but almost like a pick-up station scenario. The informal committee recommended CVS appear before the full Board with the request. Dr. Rocchio explained he wanted to discuss CVS specialty pharmacies and their abilities to assist patients and provide prescriptions to their pharmacies if that is the choice of the patient. He said in 47 of 50 states a patient presents a prescription to their CVS pharmacy, if it is determined to be a specialty product, the patient is told it can be filled at the specialty site. At that point it is entered at the retail site, sent over to the specialty site and entered, and the patient is told they will be contacted by their particular disease state specialist, and asked how they would like it shipped. It can be picked up at local pharmacy or sent to their house or office – the prescription is only sent to the prescriber if it has to be administered by the prescriber. Dr. Rocchio said the patient gets a high level of care for their particular disease state from a clinical specialist. He said they were here before the Board to request the ability to ship to retail pharmacies under the central fill rule. The initial prescription would be handled by the retail pharmacy, but any subsequent prescriptions would go straight to the specialty pharmacy (rule variance). The second rule variance is with regard to labeling and the identifying number. Dr. Kirtley said the aspect is actually advantageous to the consumer and well as provides assurance for safe deliverance of the drug. He also said allowing specialty and mail order pharmacy prescriptions to be picked up at the local pharmacy may be something that needs to be changed in the regulation. Dr. Kirtley reiterated the variance request: the prescription doesn't have to start at local pharmacy. The delivering pharmacy will put a label on the prescription, and there is a trail showing where the prescription was picked up (if delivered to the local pharmacy).

BOARD ACTION:

Dr. Mack made the motion that both variances are granted and to potentially go through the rule change to allow CVS and/or others to send medications to the local store or home based on the patient's desires. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Robertson made the motion that with regard to any other variances related to Central Fill, the informal committee has the ability to make a ruling on that following final approval by the full Board at the next Board meeting. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Lynn Crouse, P.D., appeared before the Board with a central fill request. Dr. Kirtley reminded the Board that Dr. Crouse has been before the Board previously and was approved for central fill so that he could use a multi-dose robot from one location and fill prescriptions centrally so he can have that packaging at other stores. He now has another multi-dose robot to be used at another location. He would like the MOU that was previously granted to be granted for an additional location.

BOARD ACTION:

Dr. Bryant made the motion to approve Dr. Crouse's request. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

A USP 800 Presentation was given by Dr. Brenda McCrady.

3:15 – Board adjourns into Executive Session to conduct Dr. Kirtley's yearly performance evaluation.

5:00 – Board is out of Executive Session – adjourns for the day.

Wednesday, October 19, 2016

The meeting was called to order by Stephanie O'Neal, P.D., President.

Members present:

- * Thomas Warmack, P.D.
- * Kevin Robertson, Pharm.D.
- * Steve Bryant, P.D.
- * Debbie Mack, P.D.
- * Lenora Newsome, 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.

Dr. McCrady presented the Board with the following:

Consent Agreements

- Midwest Medical Supply Co., LLC – WD01788
- Amerita, Inc., dba Saffa Infusion Pharmacy – OS02336
- Danny Smith – PD06374
- Danny Smith – PD06924
- GenRx Pharmacy – OS02666
- Puracap Laboratories, LLC dba Blue Pharmaceuticals – WD04264
- Randy Stayton – PD08199
- Urvi Patel – PD12337
- Vicksburg Special Care Pharmacy dba Aspire Rx – OS02490
- Walgreens #11781 – AR20587
- Wickliffe Pharmaceutical, Inc. – OS02242
- Baxter Healthcare – OS02424
- Christopher Kelly – PD11426
- Whit Herndon – PD06120

Preliminary Consent Orders

- Chad Michael Riley – PD10990

Amended Probation Consent Order

- Deborah P. Liles – PD07739

Probation Consent Orders

- Jacob J. Leslie – PD11068
- Jennifer Kelly – PD09944
- Teresa Ceal – PD10327

Voluntary Agreement and Order of Permanent Surrenders

- Alisha Pagan – PT94269
- Lacey Goss – PT96646
- Ashlei Robbers – PT03776
- Lee Eric Ordi – PD10956
- Sonia Lovelace – PT95332

Voluntary Surrender

- Whitney Claire Hays – PT98353

BOARD ACTION:

Dr. Warmack made the motion to approve the items as presented. Dr. Bryant seconded the motion. The vote for the motion passes.

Dr. Kirtley discussed multi-dose bubble packing. He discussed the fact that they are typically packaged as a 30/31-day supply. Dr. Kirtley said there are some instances when insurance requires prescriptions dispensed as a 90-day supply, and asked if the Board would allow a Memo of Understanding to include a 90-day supply. The discussion was tabled to allow for a scheduled hearing.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Jimmy Charles Garner, Pharmacy Technician Applicant**. Dr. O'Neal called the hearing to order and turned the proceeding over to the Hearing Officer, Charlie Moulton. Chris Carnahan was present to represent the Board. Mr. Garner was not represented by counsel.

BOARD ACTION

Dr. Newsome made the motion that in the matter of **Jimmy Charles Garner, Pharmacy Technician Applicant**, Case #2016-073, the Board finds Allegations A1 – A5 are true, and Charge C1 has been proven; therefore, the application is to be denied. Dr. Mack seconded the motion. The vote for the motion was Dr. Burgess and Dr. Bryant voted no, and Dr. Newsome abstained. The vote for the motion passes.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Ruthie Lee Brown, PT82119, aka Ruthie Carruthers**, Case #2016-051. Dr. O'Neal

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.

BOARD ACTION

Dr. Newsome made the motion in the matter of **Ruthie Lee Brown, PT82119, aka Ruthie Carruthers**, Case #2016-051, that Allegations A1 – A6 are true, and Charges C-1 through C-3 were proven, and her pharmacy technician permit is revoked. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Board continues the multi-dose packaging discussion. Dr. Kirtley said he has a request for a 90-day supply and a separate request to be able to repackage meds in a bubble pack if there are any changes.

BOARD ACTION:

Dr. Mack made a motion to allow this company to change the MOU including and up to a 93 day supply and be able to bring it back to the pharmacy for repackaging, but they would have to have policies and procedures of how they document what they repackaged and exactly what they changed and leave the date that was originally put on the package and let the patient take it back or destroy it, but put it in their policy and procedures how they are going to do it. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

Discussion Items:

Dr. Robertson said he wanted the Board to discuss the staff pursuing a fourth inspector position due to the expansion of regulations. Dr. Kirtley said there may be a time in the future for the Board of Pharmacy to inspect more dispensing individuals/facilities. Dr. Kirtley said we also need to discuss the salary levels for the pharmacy positions.

BOARD ACTION:

Dr. Mack made the motion for staff to do due diligence to hire a 4th inspector as well as look at increasing the salaries. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Warmack said he wanted to discuss removing the \$500 cap for pharmacists who are short on continuing education hours. Currently the Board charges \$100 per hour short with a cap of \$500.

BOARD ACTION:

Dr. Warmack made a motion to remove the \$500 cap for pharmacists who are short on CE hours. Dr. Mack seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley reminded the Board that during a previous meeting the Board discussed changing the CE requirements to exclude live hours.

BOARD ACTION:

Dr. Robertson made the motion for staff to pursue the elimination of the requirement for live CE and the elimination of Board approved CE hours. Dr. Mack seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Newsome made the motion to change the date of the February Board meeting to February 22-23, 2017. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

The Board discussed adding an area to the Board's budget so that samples from compounding pharmacies can be collected and tested to verify sterility and potency for investigative purposes.

BOARD ACTION:

Dr. Mack made the motion to pursue budgetary changes to allow up to \$50,000 for the testing of compounded products for investigative purposes. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Warmack said he would like the Board to pursue establishing a rural scholarship to Harding University College of Pharmacy similar to the one that is set up for UAMS College of Pharmacy.

BOARD ACTION:

Dr. Warmack made the motion for Board staff to work with Harding College of Pharmacy to endow a rural loan scholarship fund with an initial \$250,000 endowment, and another \$25,000 to help with the initial year, following that, work to create special language to provide \$25,000 per year. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

BOARD ACTION:

Dr. Newsome made the motion to fund UAMS rural scholarship \$50,000 for Fiscal Year 2017. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

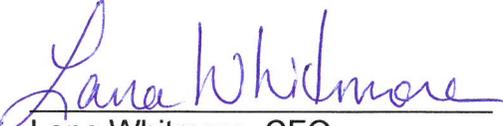
Dr. Kirtley discussed pursuing legislative cleanup on the following: removing the Medication Administration Advisory Committee from the Board; the Association is removing a list of meds that can be administered; 30-day emergency fills as part of non-diagnostic prescribing as well as doing some non-diagnostic prescribing (other than refills); fining authority; and the ability to access applicants' expunged and sealed criminal records.

BOARD ACTION:

Dr. Newsome made the motion to allow Executive Director, Deputy Director and Board Counsel to pursue legislative cleanup processes. Dr. Bryant 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