

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 12 and 13, 2009. The meeting was held at the Arkansas State Board of Pharmacy office located at 101 E. Capitol, Ste. 218, Little Rock, AR 72201.

Tuesday, October 12, 2009

The meeting was called to order by Lenora Newsome, P.D., President. Members present were Benji Post, P.D.; Justin Boyd, Pharm.D., MBA; Ronnie Norris, P.D.; Marilyn Sitzes, P.D.; Steve Bryant, P.D.; Larry Ross and Ross Holiman, B.S., H. Ed. Staff members present were Charles Campbell, Pharm. D., Executive Director; John Kirtley, Pharm. D., Assistant Director; Dana M. Brown, Chief Fiscal Officer; Inspector Ron Ewing; Inspector C.C. Frazier, Jr.; Inspector Rusty McSpadden; Erika Gee, staff attorney and Kelly Kendall, Administrative Assistant.

BOARD ACTION:

Mr. Holiman made the motion that the minutes of the June 2009 Board Meeting be approved. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The financial report was discussed.

BOARD ACTION:

Dr. Norris 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:

MaRanda Abbott	Khadidiatou Diallo	Michael Kachel
Katherine Anderson	Christina Dooley	Shiloh Love
Sarah Baker	Lindsey Forster	David Lubchansky
Sandra Baker-Jeffery	Ronald Ferguson	Ronald Manuello
Charles Bell	Vincent Fusaro	Nicole O'Kane
Brigid Breazeale	Jerry Geibe	Frank Pallaria
Debralee Carroll	Patricia Gibbs	Kajaal Patel
David Choate	Michael Gladieux	Dean Pedalino
Irene Collins	Lynn Grani	Don Roberts
Lori Crawford	Stephen Helms	Darlene Ruzicka
Jacinto d'Almeida	Drew Holtz	Merry Saba
Gregory Daniels	Jeff Hunter	Deanna Smith
Eric Daume	Lisa Igoni	James Smith

Art Solomon
Frank Tiano
Lien Van

Kristina Vasys
Earl Wattigny
Grady Weston

Ralph Bonofiglio, II
Lisa Tomcykoski

BOARD ACTION:

Dr. Bryant made the motion to approve the above applicants for reciprocity providing that all requirements have been met, or upon successful completion of all the requirements. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley discussed CE with the applicants. He explained that they are not responsible for CE for the 12/31/2009 renewal. He also explained the new CE requirements that will be required for the 12/31/2011 renewal.

Dr. Campbell discussed the issue of granting continuances for legal cases with the Board.

Anthony Mangiapanello appeared before the Board seeking reciprocity.

BOARD ACTION:

Dr. Norris made the motion to approve Dr. Mangiapanello's application once all requirements have been completed. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Light appeared on behalf of the Arkansas Support Group.

Laura Beth Martin appeared before the Board seeking approval for the Charitable Christian Medical Clinic of Hope Reuse Clinic application.

BOARD ACTION:

Dr. Post made the motion to approve the request. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Debralee Carroll, #PD11165, appeared before the Board on behalf of Elderscript Services to discuss the use of automation in nursing homes for emergency dosing.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Stephen W. Walker, #PD06195**. Dr. Walker signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in the prescription department in any pharmacy in the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Norris made the motion to accept the Agreed Temporary Order for Stephen W. Walker, #PD06195 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 **Timothy Lee Lacey, #PD07030**. Dr. Lacey signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in the prescription department in any pharmacy in the state of Arkansas until ordered by the Board.

BOARD ACTION:

Dr. Post made the motion to accept the Agreed Temporary Order for Timothy Lee Lacey, #PD07030 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Laura A. Ware, #PT86079; Thomas H. Hopkins, #PD04980 and Hopkins HealthMart Drug, Inc., #AR03561**. By signing the agreement, Respondent Ware agrees to one year of probation from the effective date of the Agreement and shall comply with all applicable federal and state laws and regulations when performing the duties of a pharmacy technician. Respondent Hopkins agrees to pay a monetary penalty of \$500 to the Board on or before August 31, 2009. Respondent Hopkins HealthMart Drug, Inc. agrees to pay a monetary penalty of \$1,000 to the Board on or before August 31, 2009.

BOARD ACTION:

Dr. Post made the motion to accept the Consent Agreement for Laura A. Ware, #PT86079; Thomas H. Hopkins, #PD04980 and Hopkins HealthMart Drug, Inc., #AR03561. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Cubist Pharmaceuticals, #WD03414 and #WD02497**. By signing the agreement, Respondent Cubist Pharmaceuticals agrees to pay a monetary penalty of \$2,000 to the Board on or before October 1, 2009.

BOARD ACTION:

Dr. Bryant made the motion to accept the Consent Agreement for Cubist Pharmaceuticals, #WD03414 and #WD02497. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Sciele Pharma, Inc., #WD02462**. By signing the agreement, Respondent Sciele Pharma, Inc. agrees to pay a monetary penalty of \$1,000 to the Board on or before June 1, 2009.

BOARD ACTION:

Dr. Bryant made the motion to accept the Consent Agreement for Sciele Pharma, Inc. #WD02462. Dr. Post seconded the motion. The vote for the motion was unanimous.

Mrs. Gee updated the Board on LNI.

Dr. Campbell presented Inspector Ewing with a 10 year service plaque.

J. Michael Bennett, #PD10051, was scheduled to appear before the Board in answer to an Order and Notice of Hearing. Dr. Newsome called the meeting to order and turned the proceedings over to the Hearing Officer, Charlie Moulton. Erika Gee of the Attorney General's Office represented the Board staff, and the respondent was not present.

BOARD ACTION:

Dr. Post made the motion that the Board refuse the surrender request for J. Michael Bennett, #PD10051 and revoke the license. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Mrs. Gee presented the Board with a surrender request for **TriState Management Group, Ltd., #WD03471**.

BOARD ACTION:

Dr. Bryant made the motion that the Board accept the request for surrender for TriState Management Group, Ltd., #WD03471 and that any future application be considered only after resolution of these issues. Dr. Post seconded the motion. The vote for the motion was unanimous.

Mrs. Gee presented the Board with a surrender request for **SHS Select Health Services, LLC, #WD03246**.

BOARD ACTION:

Dr. Sitzes made the motion that Board staff issue an Order and Notice of Hearing for SHS Select Health Services, LLC, #WD03246 for the next meeting. Dr. Boyd seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with the issue of streamlining consequences for controlled substances loss.

The Board discussed their stand on multi-state licenses.

The meeting was adjourned.

Wednesday – October 13, 2009

The meeting was called to order by Lenora Newsome, P.D., President. Members present were Benji Post, P.D.; Justin Boyd, Pharm.D, MBA; Marilyn Sitzes, P.D.; Steve Bryant, P.D.; Larry Ross and Ross Holiman, B.S., H. Ed. Staff members present were Charles Campbell, Pharm. D., Executive Director; John Kirtley, Pharm. D., Assistant Director; Dana M. Brown, Chief Fiscal Officer; Inspector Ron Ewing; Inspector C.C.

Frazier, Jr.; Inspector Rusty McSpadden; Erika Gee, staff attorney and Kelly Kendall, Administrative Assistant.

Maggie Garrett and Ricky Quattlebaum of DFA appeared to present a discussion on accounting financial responsibility.

BOARD ACTION:

Mr. Ross made a motion to receive the report and adhere to the recommendations as closely as possible. Dr. Bryant seconded the motion. The vote on the motion was unanimous.

A Public Hearing on Regulation 9 was called to order at 9:25 am.

Regulation 9 – Pharmaceutical Care/Patient Counseling

The proposed changes will update language that currently provides for credentialing in disease state management through an organization that no longer exists and no longer offers credentialing. The updated regulation will accurately describe the process to obtain authority to practice Disease State Management through written protocol agreements with a physician as provided by Ark. Code Ann. 17-92-316.

Dr. Stephanie Gardner of the UAMS COP and Dr. Julie Hixson-Wallace of the Harding University COP spoke in favor of the changes.

Dr. Kirtley read a letter from Dr. Mark Riley of the Arkansas Pharmacists Association in favor of the changes.

There was no public comment against the regulation changes.

BOARD ACTION:

Dr. Sitzes made the motion to accept the changes to Regulation 9 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

The public hearing on regulation changes was concluded at 9:47.

The Board also discussed and approved the UAMS College of Pharmacy and Harding University College of Pharmacy to work with Board Staff to administer a credentialing program for Disease State Management.

Dr. Stephanie Gardner, UAMS College of Pharmacy Dean, gave a report on the rural loan program detailing the students that were selected to receive loans as well as some of their plans for practicing in rural Arkansas. Dean Gardner also thanked the Board for initiating this program and helping pharmacists establish practices in areas of need throughout Arkansas.

Ms. Brown reminded the Board members about their statement of financial interest that must be completed and returned to the Secretary of State's office by January 31, 2010.

Ms. Brown discussed the issue of Board members making their own travel arrangements for meetings and conferences.

Dr. Kirtley presented the Board with the issue of reciprocity applicants appearing at the last minute with no prior notice.

BOARD ACTION:

Dr. Norris made the motion to create a 15 day deadline prior to the board meeting for reciprocity applicants. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Board discussed the June, 2010 board meeting and APA district meetings.

Dr. Campbell presented the Board with the issue of preceptors not meeting all of the requirements.

BOARD ACTION:

Dr. Norris made the motion to send a warning letter to all preceptors that did not meet the requirements for renewal and to ask the question of which meeting the preceptor attended on the preceptor renewal form. Dr. Post seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Approved for the Board:

Kelly Kendall, Administrative Assistant

Lenora Newsome, P.D., President