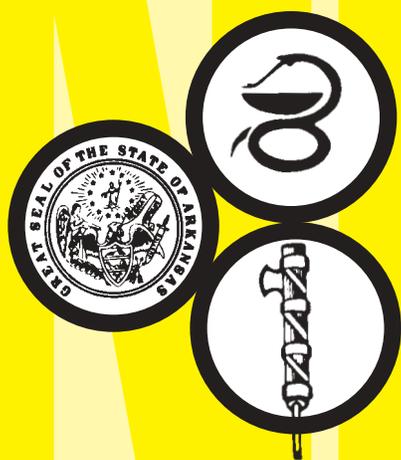


May 2003



# Arkansas State Board of Pharmacy

Published to promote voluntary compliance of pharmacy and drug law.

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## **Drug Samples**

Arkansas State Board of Pharmacy Regulation 07-03-0001 defines a “drug sample” as a unit of a legend drug that is distributed to a practitioner by a manufacturer or a manufacturer’s representative at no charge, is not intended to be sold, and is intended to promote the sale of the drug. According to this definition, only entities licensed as a manufacturer are allowed to distribute drug samples. Pharmacies are not allowed to promote a product, compounded or otherwise, by providing drug samples to practitioners unless they are licensed as a manufacturer.

## **Home Patient Care Services**

The Board of Pharmacy was asked at its February 2003 meeting if a licensed practical nurse could be employed to administer medications in the home setting. Board of Pharmacy Regulation 07-02-0001 (h) (2) states, “In situations where a pharmacy or pharmacist employs a nurse to administer medications, the pharmacist-in-charge must: (A) Employ a registered nurse.” The Board discussed the issue and determined that it did not want to change the regulation, so only a registered nurse can perform these duties.

## **Pharmacy Technicians Need to Identify Themselves**

Board of Pharmacy Regulation 03-00-0002 (g) states, “A pharmacy technician shall identify himself/herself as such in any telephone conversation regarding the functions of a pharmacy technician while on duty in the pharmacy.” The Board office has been made aware of times when a patient has called a pharmacy to ask a question about his/her prescription thinking he/she was talking to a pharmacist, only to find out later that he/she had talked to a pharmacy technician. A technician should not be answering medication questions at any time. Regulation 03-00-0005 (a) (10): “The pharmacy technician shall not make any judgment decisions that could affect patient care.” If the pharmacy technician in the example had identified himself/herself as a technician, he/she would not have been in the position to answer the medication question. It is the responsibility of the pharmacist-in-charge and the supervising pharmacist to make sure that pharmacy technicians are complying with all pharmacy laws.

## **Reverse Distributors**

The Board of Pharmacy, at its October 2002 meeting, approved changes to Regulation 8 – Wholesale Distribution that recognize reverse distribution and require reverse distributors to be licensed with the Board. Reverse distribution is defined as the receipt of prescription drugs, including controlled substances, whether received from Arkansas locations or shipped to Arkansas locations, for the purpose of destroying the drugs or returning the drugs to their original manufacturers or distributors. If you are using a reverse distributor, you need to make sure that he/she is licensed with the Board. Please call the Board office at 501/682-0190 if you have any questions.

## **Controlled Substance Theft or Loss**

The Arkansas Department of Health and Drug Enforcement Administration (DEA) must be notified immediately upon discovery of any suspected loss, theft, and/or diversion of any controlled substance. Notify the Health Department by calling 501/661-2325 and DEA by calling 501/312-8602. A DEA Form-106 Report of Theft or Loss of Controlled Substances must follow this immediate notification to formally document the actual circumstances of the theft or loss and the quantities of the controlled substances involved.

According to the Board of Pharmacy Regulation, you must provide an inventory of Schedule II, III, IV, and V drugs remaining or a copy of the DEA Form-106 within **seven (7) days** of the occurrence or the discovery of a theft or loss of controlled substances. Do not wait until you complete your own investigation before notification. There have been times when we have not received the DEA Form-106 until months after the occurrence. Please avoid Board action by notifying the proper agencies in the above-specified time frames. If you need a DEA Form-106, please call the Board office at 501/682-0190. We will fax you the form as well as the addresses where the forms need to be sent. You will need to keep a copy of the DEA Form-106 for your records.

## **Board of Pharmacy Web Site and Law Book**

The Board of Pharmacy’s Web site at [www.state.ar.us/asbp](http://www.state.ar.us/asbp) has changed. “Forms and Instructions” are now available on the first page of the Web site. Recent legislative and regulatory changes have mandated that we capture new information on many of our forms and applications, so if you have old forms, please

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destroy them. If you do not have access to our Web site, please contact our office at 501/682-0190 and we will mail or fax new forms to you.

We will be making many additional changes in the coming months to improve your access to information, forms, statutes, regulations, and other items. Significant changes have also been made to the layout and organization of our *Law Book*. You can now download the entire *Law Book* or individual regulations as needed. A new index will help you find the information you need in either Arkansas pharmacy law or in our regulations.

**Reminders**

- ◆ When a pharmacy technician leaves the employment of a pharmacy, the pharmacist-in-charge shall notify the Board, in writing, within fourteen (14) days [Regulation 03-00-0002 (e)]. During the recent technician renewal period, we found over 300 technicians listed in the database at pharmacies that they were no longer working.
- ◆ According to state and federal law, prescriptions must be signed personally by the physician rather than using a rubber stamp. This would pertain to physicians' orders written in hospitals, prescriptions, or other documents that would have to do with the treatment and care of a patient.
- ◆ Pharmacies are required to do an inventory of all controlled substances at least every two years. When taking the inventory of Schedule II controlled substances, an actual physical count must be made. For the inventory of Schedule III, IV, and V controlled substances, an estimated count may be made. An actual physical count must be made if the container holds more than 1,000 dosage units and has been opened.
- ◆ The next Board of Pharmacy meeting will be held at the Arkansas Pharmacists Association Convention in June 2003 in Springdale, AR. The dates, times, and the agenda will be posted at least a month prior to the meeting.

**New Reciprocating Pharmacists**

The following is a list of pharmacists who were approved to receive an Arkansas pharmacist license by reciprocity by the Arkansas State Board of Pharmacy at its February 2003 meeting:

- |              |                 |
|--------------|-----------------|
| Laurel Berry | Nita Bulsara    |
| Sonja Cooper | Jean Deetscreek |

- |                   |                      |
|-------------------|----------------------|
| Jon Gant, Jr      | Philip Giordano      |
| Carlanne Hickman  | David Hodge          |
| Marie Hornecker   | Tom Karlin           |
| Nicholas Laurora  | Jonathan Lemoine     |
| Lisa Lubsch       | Alan Martin          |
| Michael Miller    | Jeanie Monzingo      |
| David Navarro     | Kim Nguyen-Reitnauer |
| Jerry Plunk       | Martin Pollman       |
| Ernest Price, Jr  | Larry Schallock      |
| Paul Schmidt, Jr  | Mamdouh Sous         |
| Joseph Williamson | Mark Zilner          |

The Arkansas State Board of Pharmacy would like to welcome all of these pharmacists to Arkansas.

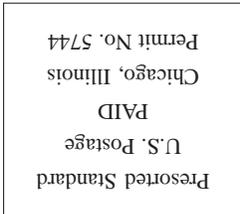
**Special Notice About This Newsletter**

The Arkansas State Board of Pharmacy has designated this *Newsletter* as an official method to notify pharmacists licensed by the Board about information and legal developments. Please read this *Newsletter* and keep it for future reference because this *Newsletter* will be used in hearings as proof of notification of the *Newsletter's* contents. Please contact the Board office at 501/682-0190 if you have questions about any of the articles in this *Newsletter*.

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