

**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 June 11-12, 2009. The meeting was held in the Edge Hill Room at the Doubletree Hotel in Little Rock, AR.

**Wednesday – June 11, 2009**

The meeting was called to order by Bob Dufour, P.D., President. Members present were Lenora Newsome, P.D.; Benji Post, P.D.; Marilyn Sitzes, P.D.; Steve Bryant, P.D.; Sharon Capps, RN 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 February 2009 Board Meeting be approved. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The financial report was discussed.

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:

David Albin	Fernando Garcia	Kasey McCrary
Chadwick Amato	Teresa Hampton	Gregory McNider
Eric Bergquist	Allison Hanselman	Jennifer Morrison
Crystal Calloway	Enrique Hernandez	Nayan Patel
Jonathan Campbell	Rose Hibbeler	Lola Porter
Hyun Chu	George Howell, II	Larry Pribble
Kevin Corkern	Michael James	Angela Prince
Deniece Davis	Paul Jennings	Brian Purscell
Peter DelToro	Ben Johnson	John Reed
Federico DePasquale	Hansil Kalaria	Don Roberts
Phong Do	Allen Knee	Jonathan Roth
Paul Dufresne	Frank La Corte	Shelley Rya
April Eubanks	Sara Land	Diane Sadaukas
Joseph Fleischman	Steven Lerch	Cindy Sawyer
Chadwick Forinash	Ramona Maciejny	Jeannie Saylor
Miley Fowler	David Mayer	Ira Schulman
Wesley Garbarini	Richard McCormick	Priti Sharma

**BOARD ACTION:**

Dr. Sitzes made the motion to approve the above applicants for reciprocity licensure in Arkansas. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley discussed CE with the applicants. He explained that because this is the second half of the second year of the biennium, they will not be required to submit CE based on Arkansas' requirements at the time of renewal on 12/31/2009.

**BOARD ACTION:**

Dr. Newsome made the motion to extend the Temporary license for Don Roberts because he could not attend this meeting. Dr. Norris seconded the motion. The vote for the motion was unanimous.

The Board interviewed candidates for Reciprocity whose applications were not completed. The following candidates were present:

John Brandon

Fatima Wilches

**BOARD ACTION:**

Dr. Norris made the motion to approve the above applicants for reciprocity licensure in Arkansas pending the completion of the application process. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley discussed CE with the applicants. He explained that because this is the second half of the second year of the biennium, they will not be required to submit CE based on Arkansas' requirements at the time of renewal on 12/31/2009.

Allison Hanselman appeared on behalf of Daily Med Pharmacy requesting approval of their Out-of-State Pharmacy application.

**BOARD ACTION:**

Mr. Holiman made the motion to approve the request of Daily Med Pharmacy. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Joe Saylor, #PD00000 of Pharmacy, Inc. appeared before the Board requesting to be the PIC of multiple out of state retail pharmacies.

**BOARD ACTION:**

Dr. Post made the motion that the Board approve the request for Joe Saylor, #PD09819 and Jeannie Saylor, #PD11028 each to be the PIC in up to three facilities each for Pharmacy, Inc. located in the same building with hour requirements consistent with Arkansas Pharmacy regulations providing that documentation, attorney information and a business model be submitted for

review and approval by Board staff. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Charles Burr of Owens & Minor appeared before the Board seeking approval of a Wholesale Distributor application to reinstate their license.

**BOARD ACTION:**

Mr. Holiman made the motion to approve the Wholesale Distributor application for Owens & Minor. Dr. Post seconded the motion. The vote for the motion was unanimous.

Jaime Cervera of Stateline Distributors appeared before the Board seeking approval of a Wholesale Distributor application.

**BOARD ACTION:**

Dr. Bryant made the motion that the Board approve the application after contact information and hours of operation have been submitted to Board staff. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

Robert Fleming **did not** appear before the Board seeking approval of a Wholesale Distributor application for Sky Medical Services Limited.

**BOARD ACTION:**

Dr. Bryant made the motion that Board staff hold the application until Mr. Fleming can be reached to appear before the Board. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Waymon Clay Rodgers, #PT84087**. Mr. Rodgers signed the order, and agreed not to practice as a pharmacy technician 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 Waymon Clay Rodgers, #PT84087 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Amy Lynn Jeremiah, #PT91011**. Ms. Jeremiah signed the order, and agreed not to practice as a pharmacy technician 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:**

Mrs. Capps made the motion to accept the Agreed Temporary Order for Amy Lynn Jeremiah, #PT91011 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 **Kendra Dawn Rains, #PT85558**. Ms. Rains signed the order, and agreed not to practice as a pharmacy technician 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 Kendra Dawn Rains, #PT85558 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Kim A. Helmick, #PT90298**. Ms. Helmick signed the order, and agreed not to practice as a pharmacy technician 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. Newsome made the motion to accept the Agreed Temporary Order for Kim A. Helmick, #PT90298 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Sarah Anne Scholer, #PT89490**. Ms. Scholer signed the order, and agreed not to practice as a pharmacy technician 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:**

Mr. Holiman made the motion to accept the Agreed Temporary Order for Sarah Anne Scholer, #PT89490 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Andrea Marie Roberts, #PT88180**. Ms. Roberts signed the order, and agreed not to practice as a pharmacy technician 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. Newsome made the motion to accept the Agreed Temporary Order for Andrea Marie Roberts, #PT88180 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Steven P. Bowdle, #PD06648**. Dr. Bowdle 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 Steven P. Bowdle, #PD06648 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Michael Chad Headley, #PD08496**. Dr. Headley 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. Newsome made the motion to accept the Agreed Temporary Order for Michael Chad Headley, #PD08496 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Connie Hall, #PD08722 and Walgreens #2916, #AR20516**. By signing the order, Respondent Connie Hall has agreed to pay a monetary penalty of \$1,000 to the Board and shall complete six hours of continuing education with ACPE Code 03 or 05 related to Pharmacy Practice, both to be received within ninety days from the date of the Board approval of this Order.

**BOARD ACTION:**

Mrs. Capps made the motion to accept the Consent Order for Connie Hall, #PD08722 and Walgreens #2916, #AR20516. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Hollister-Stier Laboratories, LLC, #WD02024**. By signing the order, Hollister-Stier Laboratories has agreed to pay a monetary penalty of \$1,000 to the board on or before March 30, 2009

**BOARD ACTION:**

Dr. Newsom made the motion to accept the Consent Agreement for Hollister-Stier Laboratories, LLC, #WD02024. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Reckitt Benckiser, Inc., #LC00219**. By signing the order, Reckitt Benckiser, Inc. has agreed 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 Reckitt Benckiser, Inc., #LC00219. Mr. Holiman 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 order, Sciele Pharmacy, Inc. has agreed to pay a monetary penalty of \$1,000 to the Board on or before June 1, 2009.

**BOARD ACTION:**

Dr. Post made the motion to accept the Consent Agreement for Sciele Pharmacy, Inc, #WD02462. Dr. Norris seconded the motion. The vote for the motion was unanimous. After further review of the Consent Agreement revealing that the original language had been changed by Sciele Pharamcy, Inc., #WD02462 the vote was expunged and will be revisited at the October, 2009 Board meeting.

Dr. Kirtley presented the Board with a Consent Agreement for **Med South Medical Supply, #MG00923**. By signing the order, Med South Medical has agreed to pay a monetary penalty of \$1,000 to the Board on or before July 13, 2009.

**BOARD ACTION:**

Mr. Holiman made the motion to accept the Consent Agreement for Med South Medical Supply, #MG00923. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Eusa Pharma (USA), Inc., #WD03296**. By signing the order, Eusa Pharma (USA), Inc. has agreed to pay a monetary penalty of \$1,000 to the Board on or before July 13, 2009.

**BOARD ACTION:**

Dr. Bryant made the motion to accept the Consent Agreement for Eusa Pharma (USA) Inc., #WD03296. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Gertrude Williams, #PT92829, Rebekah Pruitt, #PD08855 and Central Pharmacy Co. of LR, #AR20157**. By signing the order, Respondent Williams has agreed to be placed on probation for one year from the effective date of this Agreement and shall comply with all applicable federal and state laws and regulatins when performing the dutie of a pharmacy technician; Respondent Pruitt agrees to pay a monetary penalty of \$500 to the Board on or before July 6, 2009; and Respondent Central Pharmacy Co. of LR agrees to pay a monetary penalty of \$1,000 to the Board on or before July 6, 2009.

**BOARD ACTION:**

Dr. Post made the motion to accept the Consent Agreement for Gertrude Williams, #PT92829, Rebekah Pruitt, #PD08855 and Central Pharmacy Co. of LR, #AR20157. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **McKesson Drug Company, #WD00339**. By signing the order, McKesson Drug Company has agreed to pay a monetary penalty of \$5,000 to the Board on or before August 31, 2009.

**BOARD ACTION:**

Dr. Newsome made the motion to accept the Consent Agreement for McKesson Drug Company, #WD00339. Dr. Bryant seconded the motion. The vote for the motion passed. Dr. Dufour recused.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Karen O'Donell, #PD07070**. Dr. O'Donell signed the order, and agreed not to practice as a pharmacist in Arkansas or be physically present in a pharmacy in the state of Arkansas until ordered by the Board.

**BOARD ACTION:**

Dr. Capps made the motion to accept the Agreed Temporary Order for Karen O'Donell, #PD07070 as presented. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Campbell discussed possible regulation changes regarding practice after inactivity.

**BOARD ACTION:**

Dr. Post made the motion that Regulation 02-00-0003 PRACTICE AFTER INACTIVITY WHEN RECIPROCATING OR REINSTATING A LICENSE be changed by deleting section (b) and that reciprocating pharmacists also fall under section (a). Dr. Norris seconded the motion. The vote for the motion was unanimous.

**C. Marshall Davis, #PD08368**, appeared before the Board in answer to an Order and Notice of Hearing. Dr. Dufour called the meeting to order and turned the proceedings over to the Hearing Officer, Christian Harris. Erika Gee, of the Attorney General's Office, represented the Board staff, and the respondent was represented by Darren O'Quinn.

**BOARD ACTION:**

Dr. Post made the motion that in the matter of Marshall Davis, #PD08368, Allegations A-1, A-2, A-3, A-4, A-5 and A-6 were found to be true, and Charges C-1, C-2 and C-3 were proven. Therefore, it is ordered that Dr. Davis pay a monetary penalty of \$1,000 for C-1 and \$1,000 for C-2 by. It is further ordered that Dr. Davis change the alarm code at the pharmacy and that each pharmacist ordering CII's have their own code.

**Joe Brooks, PD** appeared before the Board requesting reinstatement of his pharmacist license.

**BOARD ACTION:**

Dr. Post made the motion that the Board approve Dr. Brooks request and that an Inactive Pharmacist license be granted upon completion of a Pharmacist Reinstatement application. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Dr. Newsome made the motion that the Board remove the Order and Notice of Hearing pertaining to Joe Brooks, #PD00000. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Natalie Ohrenberger appeared on behalf of Harmony Health Clinic requesting approval of the Pilot Program for Donated Prescription Medication program.

**BOARD ACTION:**

Dr. Newsome made the motion that the Board approve the request for Harmony Health Clinic to participate in the Pilot Program for Donated Prescription Medication program. Dr. Post seconded the motion. The vote for the motion was unanimous.

Larry McGinnis appeared before the Board for an update on the Hospital Advisory Committee.

Stephanie Gardner appeared before the Board to discuss the rural loan program at UAMS College of Pharmacy.

**BOARD ACTION:**

Dr. Newsome made the motion that the Board fund an extra \$50,000 to the rural loan program at UAMS College of Pharmacy. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

**Friday – June 13, 2009**

The meeting was called to order by Bob Dufour, P.D., President. Members present were Lenora Newsome, P.D.; Benji Post, P.D.; Marilyn Sitzes, P.D.; Steve Bryant, P.D.; Sharon Capps, RN 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.

**Waylon Bullock, #PD08207** appeared before the Board requesting to convert his Agreed Order to the Consent Order. Dr. Light of the Pharmacy Support Group appeared on his behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Mr. Holiman made the motion that the Board approve Dr. Bullock's request. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Shannon L. Hughes, #PD08133** appeared before the Board requesting to convert her Agreed Order to the Consent Order. Julie Cato of the Executive Committee appeared on her behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Dr. Post made the motion that the Board approve Dr. Hughes' request. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

**Jeneen McPherson, #PD08644** appeared before the Board requesting to convert her Agreed Order to the Consent Order. Julie Cato of the Executive Committee appeared on her behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Mrs. Capps made the motion that the Board approve Dr. McPherson's request. Dr. Post seconded the motion. The vote for the motion was unanimous.

**Michael Buford Frost, #PD06613** appeared before the Board requesting to convert his Agreed Order to the Consent Order. Dr. Light of the Pharmacy Support Group appeared on his behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Dr. Newsome made the motion that the Board approve Dr. Frost's request. Dr. Post seconded the motion. The vote for the motion was unanimous.

**James Alden Shook, #PD07410** appeared before the Board requesting to convert his Agreed Order to the Consent Order. Dr. Light of the Pharmacy Support Group appeared on his behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Dr. Bryant made the motion that the Board approve Dr. Shook's request. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Timothy Schulte, #PD09725** appeared before the Board requesting to become a PIC and Preceptor. Dr. Light of the Support Group appeared on his behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Dr. Post made the motion that the Board approve Dr. Schulte's request to become a PIC and Preceptor. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

**Melissa Vail, #PD08458** appeared before the Board requesting to become a PIC and Preceptor. Julie Cato of the Executive Committee appeared on her behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Dr. Newsome made the motion that the Board approve Dr. Vail's request to become a PIC and Preceptor. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Danny Smith, #PD06924** appeared before the Board requesting to become a PIC and Preceptor. Dr. Light of the Support Group appeared on his behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Dr. Bryant made the motion that the Board approve Dr. Smith's request to become a PIC and Preceptor. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Howard Miller, #PD07312** appeared before the Board requesting to become a PIC. Dr. Light of the Support Group appeared on his behalf and recommended to the Board that the change be made.

**BOARD ACTION:**

Mr. Holiman made the motion that the Board approve Dr. Miller's request to become a PIC. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dana Brown discussed the Pharmacy Support Group funding with the Board.

**BOARD ACTION:**

Dr. Newsome made the motion that the Board approve the supplies and expenses portion of the proposed ARPSG FY2010 Budget. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**BOARD ACTION:**

Dr. Newsome made the motion that the Board give the Executive Director discretion to handle the personnel portion of the ARPSG FY2010 Budget. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

A Public Hearing on Regulations 2, 5, 7, 10 and 11 was called to order at 10:05 am.

**Regulation 2 –Pharmacists**

The proposed changes will update the criteria to be licensed as a pharmacy student intern by the Arkansas State Board of Pharmacy and will update continuing education requirements for pharmacists.

Julie Hixson-Wallace spoke in favor of the changes.

Jan Hastings spoke in favor of the changes.

**BOARD ACTION:**

Dr. Norris made the motion to accept the amendment to Regulation 2 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

**Regulation 5 – Long Term Care Facilities**

The proposed changes will update the regulations regarding the licensure of nursing home consultants and will make editorial changes to update the list of medications that can be kept in a long term care facility's emergency kit.

**BOARD ACTION:**

Mr. Holiman made the motion to accept the amendment to Regulation 5 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

**Regulation 7 – Drug Products / Prescriptions**

The proposed changes will clarify the regulation regarding faxed new prescriptions and refill authorizations.

**BOARD ACTION:**

Dr. Post made the motion to accept the amendment to Regulation 7 as presented. Dr. Norris seconded the motion. The vote for the motion was unanimous.

**Regulation 10 – Arkansas Pharmacy Support Group**

The proposed changes will update the amount of funding that may be supplied to the pharmacy support group and update terminology to better reflect the functioning of the support group.

Dr. Light spoke in favor of the changes.

**BOARD ACTION:**

Mr. Newsome made the motion to accept the amendment to Regulation 10 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

**Regulation 11 – Criminal Background Checks**

The proposed changes will update the regulations regarding criminal background checks to better describe the way that issues of criminal history are handled by the Board of Pharmacy.

**BOARD ACTION:**

Dr. Norris made the motion to accept the amendment to Regulation 11 as presented. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

The Public Hearing on Regulations was concluded at 10:17.

Dr. Newsome was nominated for President, Dr. Post was nominated for Vice-President and Dr. Sitzes was nominated Secretary.

**BOARD ACTION:**

Dr. Bryant made the motion that the Board accept the nomination of officers. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

Dr. Newsome presented Mrs. Capps with a plaque thanking her for her years of service on the Board.

Dr. Newsome presented Dr. Dufour with a plaque thanking him for his years of service on the Board.

Dr. Kirtley presented the Board with an update of the Disease State Management committee meeting.

**BOARD ACTION:**

Dr. Newsome made the motion directing staff to draft a regulation change concerning disease state management and present it at the October board meeting. Dr. Post seconded the motion the vote for the motion was unanimous.

Dr. Kirtley presented the board with an update of the new legislation regarding the acupuncturists.

**BOARD ACTION:**

Dr. Post made the motion in Regulation 02-00-0003, section (b) be deleted and everyone shall fall under section (a). Dr. Norris seconded the motion. The vote for the motion was unanimous.

The Board discussed requiring a perpetual inventory for class II controlled substances.

The meeting was adjourned.

Board of Pharmacy Minutes

June 11-12, 2009

Page 13 of 13

Prepared By:

Approved for the Board:

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Kelly Kendall

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Lenora Newsome, P.D., President