

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 February 10-11, 2009. The meeting was held at the Board office at 101 E. Capitol, Ste. 218, Little Rock, AR 72201

Tuesday – October 14, 2008

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; Robin Morrissey, Chief Fiscal Officer; Inspector C.C. Frazier, Jr.; Erika Gee, staff attorney and Kelly Kendall, Administrative Assistant.

BOARD ACTION:

Dr. Bryant made the motion that the minutes of the October 2008 Board Meeting be approved. Dr. Post 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:

Arijit Aichbhaumik	Christopher Ford	Douglas Lang
Randolph Baez	Jason Gebke	Yong Lee
Tammy Bailey	Levon Gibson	Catherine Miller
William Bailey	Melinda Griffin	Lee Ori
John Baker	Megan Hepler	Anya Patel
Devita Barnes	Ashley Hoja	Geneice Rayneri
Linda Bortell	Managua Hunt	Christopher Simmons
Kimberly Bullock-Shurden	Kandice Jeske	Alisha Smith
George Cawthorne	Cheryl Kendrick	Jennifer Stark
Richard Dillow	Michael Kirkbride	Chad Valdez
Tiffany Earnhart	Julie Kissack	

BOARD ACTION:

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

Dr. Campbell discussed CE with the applicants. He explained that they must submit 15 hours of CE, of which 6 hours must be live patient care/drug therapy at the time of renewal on 12/31/2009.

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

Travis Graham

Christy Holland

Prem Shah

BOARD ACTION:

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

Dr. Norris arrived for the meeting.

Meetings for travel reimbursement were discussed.

BOARD ACTION:

Dr. Post made the motion to approve expense reimbursement for each Board member for performing official board duties at the rate established for state employees by travel regulations. In addition, a stipend of \$85.00 per day shall be paid to the members of the Board for attendance at Board meetings and informal conferences. The Board also requests that the reimbursement for hotel expenses be allowed to exceed the in-state rate. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Board Committee Meetings
NABP Annual Meeting
NABP Fall Education Conference
MALTA-GON Meeting
Arkansas Pharmacists Association Annual Meeting
District VI – NABP
Midwest Conference
Utah School of Drug Abuse
Board of Pharmacy Meetings – three regular and any called meeting
Board of Pharmacy Interim Meetings – as needed
State Controlled Substance Authority Meeting
Conference on State Government
Executive Officer’s Conference - NABP

Representatives for Shepherd’s Hope Neighborhood Health Center appeared before the Board requesting to participate in the Reuse Clinic Pilot Program.

BOARD ACTION:

Dr. Norris made the motion to allow Shepherd's Hope Neighborhood Health Center to participate in the Reuse Clinic Pilot Program. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Garry Enderlin and Larry McGinnis appeared before the board for a Hospital Advisory update on the tech-check-tech study.

David Cobb appeared before the Board on behalf of Baptist Health requesting approval for pharmacist off-site medication order entry for the patients to be cared for at the new Baptist Health Southwest Campus – Little Rock.

BOARD ACTION:

Dr. Norris made the motion to approve the request of Baptist Health. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Representatives appeared before the Board on behalf of Mercy Hospitals to request approval to perform off-site order entry in each of their Arkansas Mercy facilities.

Tim Johnsen – St. Joseph's Mercy Health Center
Justin Boyd – St. Edward Mercy
Robery Glander – St. Edward Mercy
Nick Utyesonich – St. Joseph's Mercy Health Center
Jim Johnson – Mercy Medical Center

BOARD ACTION:

Mrs. Capps made the motion that the representatives meet with the Hospital Advisory Committee and that they return in June for an update from Mr. Boyd and the Hospital Advisory Committee. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Campbell updated the Board on the current status of Disease State Management. Dr. Dufour will appoint a committee to discuss DSM regulations. The committee will consist of Dr. Bryant, Dr. Cindy Stowe, Dr. Cheryl Bryant, a representative from Harding University College of Pharmacy and a representative from the Arkansas Pharmacists Association.

Bill Schommer appeared before the Board on behalf of Genoa Healthcare seeking approval of their pharmacy application.

BOARD ACTION:

Dr. Post made the motion that the Board approve the request of Genoa Healthcare based on FDA approval that they can have samples in their possession and that they can only dispense samples association with mental

health conditions as approved by physicians of the Ozark Mental Health Institute that they will be associate with. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Representatives of **Spectrum Laboratory Products, Inc., #WD02268**, appeared before the Board to answer questions about their current DEA status.

BOARD ACTION:

Dr. Bryant made the motion to renew the permit for Spectrum with on the condition that they will not ship controlled substances until they have received a DEA registration. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

A representative from the Dispensary of Hope, LLC appeared before the board seeking approval of their Wholesale Distributor application.

BOARD ACTION:

Dr. Newsome made the motion that the application for Dispensary of Hope be approved. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley discussed the issue of Doctors of Oriental Medicine prescribing legend drugs.

Mrs. Morrissey presented the Board with the option of receiving a state issued photo ID.

Dr. Scott pace and Dr. Mark Riley of the Arkansas Pharmacists' Association appeared before the Board to discuss Regulation 7 and faxed prescriptions.

BOARD ACTION:

Dr. Newsome made the motion that Regulation 07-00-0001 be changed to reflect that refill authorizations for prescriptions other than schedule 2 can be transmitted using a facsimile device with the interpretation that it does not require a physicians signature. Dr. Norris seconded the motion. The vote for the motion was unanimous. The vote for the motion was unanimous.

Mr. Holiman made the motion that the board move forward with the rule making process to clarify items 4 and items 7. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with the issue of a retired pharmacist licensing in Arkansas by the method of examination. The question of whether or not the pharmacist would need to present 2000 intern hours before being approved to take the NAPLEX, or would the candidate need to work under the supervision of an Arkansas licensed pharmacist.

Dr. Campbell presented the Board with the issue of **Dr. Linda Brockell, #PD** requesting a medical exemption in order to forgo the CE penalty incurred from the 2009-2010 renewal period.

BOARD ACTION:

Ms. Capps made the motion to deny the medical exemption due to the lack of response from Ms. Brockell concerning her medical condition. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Campbell presented the Board with the issue of the surplus of funds for the Pharmacy Board. The Board discussed the possibility of using the funds for pharmacy school scholarships. Dr. Dufour spoke against using tax payer money to fund a state project.

BOARD ACTION:

Dr. Newsome made the motion that \$500,000 be applied toward pharmacy school scholarships. Mr. Holiman seconded the motion. The vote for the motion passed.

Wednesday – October 15, 2008

The meeting was called to order by Bob Dufour, P.D., President. Members present were Lenora Newsome, P.D.; Benji Post, 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; Robin Morrissey, Chief Fiscal Officer; Inspector C.C. Frazier, Jr.; Inspector Rusty McSpadden; Erika Gee, staff attorney and Kelly Kendall, Administrative Assistant.

Steve Jones, #PD07938 appeared before the Board requesting that his Agreed Order be changed to a Consent Order. 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 convert Dr. Jones' Agreed Order to a Consent Order. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Jason McKewen, #PD09481 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. Newsome made the motion that the Board approve Dr. McKewen's request to become a PIC and Preceptor. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Norris arrived for the meeting.

Dr. Light and members of the Support Group Executive Committee discussed the process of withdrawing advocacy from a support group participant when the participant is not showing the trajectory of recovery consistent with support group parameters. The Board confirmed that it would like the Support Group to notify Board staff if the group became concerned about the possible relapse of a participant but only the Board itself had the authority to remove someone from the practice of pharmacy.

Mark McGrew appeared before the Board on behalf of USA Drug to discuss prescription processing in a computer system where only one set of initials is recorded for the filling of each prescription.

Martin Eisele, Licensed Acupuncturist appeared on behalf of the Arkansas State Board of Acupuncture and Related Techniques to discuss the recent Attorney General's Opinion that was given in response to the Board of Pharmacy regarding the authority of Acupuncturists prescribing, administering and dispensing prescription medications.

Sandra Powell appeared before the Board as a patient advocate in support of the Acupuncturists prescribing and administering legend drugs.

The Board discussed the possibility of supporting or funding a Student Loan Program to be administered by the UAMS College of Pharmacy to loan funds to Student Pharmacists wishing to practice in a rural area upon graduation. Stephanie Gardner, Dean of the UAMS College of Pharmacy, appeared before the Board to discuss how a program like this could be managed through the college. Dr. Dufour appointed Dr. Sitzes to serve on a committee to develop the UAMS COP Loan Program if funded in the legislative session.

Mrs. Gee discussed changes in Regulation 11 concerning Criminal Background Check procedures.

Dr. Kirtley presented the Board with a Consent Order for **William Cyphers, #PD06791** and **Lucy Cyphers, #PD06742**. By signing the order, Respondent William Cyphers and Lucy Cyphers have agreed to pay a monetary penalty of \$2,500 for a total of \$5,000 to the Board, to be received within ninety days from the date of the Board approval of this Order.

BOARD ACTION:

Dr. Bryant made the motion to accept the Consent Order for William Cyphers, #PD06791 and Lucy Cyphers, #PD06742. Mrs. Capps seconded the motion.

The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Michael Greene, #PD09762**. By signing the order, Respondent Michael Greene has agreed to pay \$1,250 to the Board to be received within 90 days after approval of the order by the Board.

BOARD ACTION:

Mrs. Capps made the motion to accept the Consent Order for Michael Greene, #PD09762. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Timothy Lacey, #PD07030**. By signing the order, Dr. Lacey has agreed to successfully complete six (6) hours of continuing education related to patient safety/medication errors on or before May 15, 2009 and provide the Board documentation of the completion.

BOARD ACTION:

Dr. Newsom made the motion to accept the Consent Agreement for Timothy Lacey, #PD07030. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Danny Smith, #PD06924** and **Bill Fort, #PD04907**. By signing the order, Dr. Smith and Dr. Fort have agreed to successfully complete six (6) hours of continuing education related to patient safety/medication errors on or before November 30, 2008 and provide the Board documentation of the completion.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Agreement for Danny Smith, #PD06924 and Bill Fort, #PD04907. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Clay Haisten, #PD08111**. By signing the order, Respondent Clay Haisten has agreed to be placed on probation for a period to coincide with the probation of his Oklahoma pharmacist license, commencing immediately upon the execution of this agreement and terminating on October 3, 2017.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Order for Clay Haisten, #PD08111. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Walgreens Corporation**. By signing the order, Respondent Walgreens Corporation has agreed to pay \$5,000 to the Board within 10 business days after the date of the Board's approval of this Consent Order.

BOARD ACTION:

Mr. Holiman made the motion to accept the Consent Order for Walgreens Corporation. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Walgreens**. By signing the order, Respondent Walgreens Corporation has agreed to pay \$2,500 to the Board within 30 business days after the date of the Board's approval of this Consent Order.

BOARD ACTION:

Mrs. Capps made the motion to accept the Consent Order for Walgreens Corporation. Mr. Holiman seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Air Liquide America Specialty Gases, #WD03176**. By signing the order, Air Liquide America Specialty Gases has agreed to pay a monetary penalty of \$1,000 to the Board on or before December 31, 2008.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Agreement for Air Liquide America Specialty Gases, #WD03176. Dr. Norris seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Maggie Miller, #PD09513** and **Stone County Medical Center, #HP01142**. By signing the order, Dr. Miller had agreed to pay a monetary penalty of \$500 to the Board to be received within 90 days after approval of the order by the Board, and Stone County Medical Center has agreed to pay a monetary penalty of \$1,000 to the Board to be received within 90 days after approval of the order by the Board.

BOARD ACTION:

Dr. Norris made the motion to accept the Consent Agreement for Maggie Miller, #PD09513 and Stone County Medical Center, #HP01142. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Noven Pharmaceuticals, LLC, #WD03005**. By signing the order, Noven Pharmaceuticals, LLC has agreed to pay a monetary penalty of \$1,000 to the Board on or before December 1, 2009.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Agreement for Noven Pharmaceuticals, LLC, #WD03005. Dr. Norris seconded the motion. Dr. Dufour recused himself from the vote. The motion passed.

Dr. Kirtley presented the Board with an Agreed Temporary Order for **Blair Wagemann, #PD07777**. Ms. Wagemann 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. Bryant made the motion to accept the Agreed Temporary Order for Blair Wagemann, #PD07777 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 **Jennifer Haggard, #PT88192**. Ms. Haggard signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a 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 Jennifer Haggard, #PT88192 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 **Leanne Anderson, #PN05269**. Ms. Anderson signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a 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 Leanne Anderson, #PN05269 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 **Sarah Henson, #PT89029**. Ms. Henson signed the order, and agreed not to practice as a pharmacy technician in Arkansas or be physically present in a 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 Henson, #PT89029 as presented. Dr. Post seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Agreement for **Gelene Bates, #PD05938**. By signing the order, Dr. Bates has agreed to successfully complete six (6) hours of continuing education related to patient safety/medication errors on or before May 15, 2009 and provide the Board documentation of the completion.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Agreement for Gelene Bates, #PD05938. Dr. Bryant seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley presented the Board with a Consent Order for **Chuck Wilson, #PD06294**. By signing the order, Respondent Chuck Wilson has agreed to pay a monetary penalty of \$4,500 to the Board and complete six hours of continuing education with ACPE Code 03 related to Pharmacy Practice within 90 days from the date of Board approval of the Order.

BOARD ACTION:

Dr. Newsome made the motion to accept the Consent Order for Clay Haisten, #PD08111. Mrs. Capps seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Prepared By:

Approved for the Board:

Kelly Kendall

Bob Dufour, P.D., President