

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

Tuesday, February 8, 2022

The Arkansas State Board of Pharmacy met for a regular scheduled Board meeting on February 8, 2022. The meeting originated from the Arkansas State Board of Pharmacy office located at 322 South Main Street, Suite 600, Little Rock, AR., and was held via Zoom.

The meeting was called to order by Rebecca Mitchell, Pharm.D., President.

Members present:

- * Lynn Crouse, Pharm.D.
- * Lenora Newsome, P.D.
- * Brian Jolly, Pharm.D.
- * Rodney Richmond, Pharm.D.
- * Debbie Mack, P.D.
- * Carol Rader, RN

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Brenda McCrady, P.D, Assistant Director
- * Luke Daniel, General Counsel
- * Kevin Robertson, Pharm.D.
- * Cindy Fain, P.D.
- * Brandon Holland, Pharm.D.
- * Lana Whitmore, CFO

Amy Fore is out in the morning but will be in attendance in the afternoon.

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

BOARD ACTION:

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

Mrs. Whitmore presented the 2022 Board Member Meeting List and Authority for Expense Reimbursement for Board Members and Stipend Authorization, pursuant to Arkansas Statute 25-16-902 and 25-16-905.

BOARD ACTION:

Dr. Crouse made the motion to approve the Board Member Meeting List and Authority for Expense Reimbursement for Board Members and Stipend Authorization. Dr. Jolly seconded the motion. The vote for the motion was unanimous.

The minutes from the October 12-14, 2021, Board Meeting and the December 14, 2021, Public Hearing were reviewed.

BOARD ACTION:

Dr. Crouse made the motion that the minutes of the October 12-14, 2021, Board Meeting and the December 14, 2021, Public Hearing be approved as presented.

Dr. Mack 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 Board interviewed the candidates in five separate groups, spoke to them all regarding Arkansas CE requirements, and made motions for each specific group. The following candidates appeared before the Board via ZOOM:

Amer	Hussien Fathy	Abdelmaksoud
Zubair		Afzal
Mary	L.	Alves
Joshua	Marshall	Andersen
Hanna	Khader	Badra
Katelyn	Joy	Bakeer
John	Darryl	Barishman
Jennifer	Marie	Barlekoff
Jay	Richard	Barnhart
Marc	Gregory	Bemis
Paula	Marie	Beougher
Sarah	Jane	Blue
Sharon	McLean	Braxton
Rachel	Virginia	Bunda
Nancy	C.	Butler
Dima	Farhat	Cheetany
Nicola	Anthony	Conorozzo
Nathaniel	Scott	Cordeiro
Andrew	Harrison	Curtis
Kyle	Grover	Dresbach
Andrew	William	Ducote
Mikaela	Anne	Ekobena
Joseph	Clint	Estrada
Meghan	Leigh	Estrada
Carissa	Jo	Fisher
Elizabeth	Ashley	Foley

BOARD ACTION:

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

The Board's interview process continued for the following candidates for Reciprocity:

Paul	Martin	Gleespen
Marion	Ryker	Grant
Sharon	Mei	Grant
Brandon	Robert	Green
Rebecca	Lynn	Griffie
William	Alan	Haygood
Brian	Casey	Highfill
Christopher	T.	Horning
Angela	Christine	Huddleston
Kathleen	Alice	Hurd
Lynn	Marie	Janssen
Riya	Teresa	Joseph
Vaibhav	G.	Kadokia
Nupoor	Anil	Kalke
Manisha		Kapoor
Robert	David	Knight
Shannon	Nicole	Landry
Rebecca	Lynn	Lebet
Riva	Linda	Malki
Sarah		Malobabic
Mitchell	Alexander	Manor
Sai Priya		Marrapu
Robert	Warren	Martz
Sherry	Scruggs	Mauldin
Matthew	David	McDonald

BOARD ACTION:

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

The Board's interview process continued for the following candidates for Reciprocity:

Jill	Diane	Mehrer
Michelle	Lynnea	Meyer
Jami	Sue	Montesano
Celita	Audrett	Moore
Jason	Howard	Morgan
Christy	Lynn	Neely
Kembral	Lynnea	Nelson
Katherine	Amberlee	Norris
Michelle	Beth	O'Neill
Maru	Cedrik	Ortega
Casey	Cathleen	Orton
Dhvani		Patel
Larry		Pechony
Mikayla	Nicole	Pennington
Brandy	Lee	Pickel
Benjamin	Hugh	Rapp
Jean	Eun-Jin	Rhee
Turkesia	Chimere	Robertson-Jones
Natalie	Shawn	Salese
Steven	Jeffrey	Shepard
Richard	David	Tabar
Andrew	Thach	Vo
Aaron	Joseph	Webb
William	Dale	Westcott
Sean	Durkin	Williams
Rebecca	Ann	Wilson
Uzair	Arif	Zahid

BOARD ACTION:

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

The Board discussed the continuing education requirements as well as the benefits of joining the Arkansas Pharmacists Association with each group of reciprocity candidates.

Heriberto Martinez appeared before the Board by request to discuss his application for reciprocity.

BOARD ACTION:

Dr. Crouse made the motion to approve the reciprocity application for Heriberto Martinez provided he agrees to sign a release stating the board staff is provide quarterly progress reports from Texas. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Erika Gee, Brad Lawson, Lynn Stover, and other Walgreens representatives appeared at the Board's request to discuss solutions to the growing number of complaints received by staff regarding situations where Walgreens intermittently closes without notifying patients, keeping patients and other pharmacists on hold on the telephone for hours, and taking days and days to get patients' prescriptions filled. Dr. McCrady said staff is fielding complaints from consumers, physicians, and pharmacists due to fact that Walgreens stores are closed during advertised operating hours. Dr. Kirtley reiterated the rule which requires Arkansas pharmacies to be open a minimum of 40 hours per week, and said many of the Walgreens stores are not currently meeting this minimum requirement. After a lengthy discussion, the Board asked that staff put together an emergency hearing if they continue to receive these types of complaints in this magnitude regarding Walgreens.

Amy Fore is now present for the meeting.

Several representatives from veterinarians appeared before the Board to discuss retail pharmacy compounding for veterinary office stock in the absence of patient-specific prescriptions. These representatives were present to express their desire to allow retail pharmacies to compound non patient specific compounded products to be dispensed to veterinarian offices for general office use – not solely patient specific. Dr. Kirtley explained the Board changed the permit structure for wholesale distributors to include a subtype for 503B outsourcing facilities. When this happened, the Board made it known to facilities that you could still do office stock compounding only if you had a 503B permit. He said there has been some recent confusion on what could or could not be done with animal office use compounding. There have been arguments that 503A / 503B does not apply to veterinary compounding. Paul Jenkins, an Arkansas Veterinarian, spoke to the Board and stated veterinarians are interest in a rule change by the Board which would approve overall patient care. He said they are currently limited to prescribing compounding medications for a particular patient rather having it on hand to dispense, which would be better for patients due to the various sizes, species, etc., of their patients. He said the current rule also causes limitations on practicing afterhours and emergency situations. Several others, including Rodney Baker (Veterinary Medical Association), Roger Morris (Quales & Brady), Darren O'Quinn, representing Jay Teague with ProLab Pharmacy, and Corie Hawks (Political Capital) spoke to the Board in favor of a rule change which would allow retail pharmacy compounding for veterinary office stock. The Board determined staff should get with the

veterinarians to start working on the changes and have some potential proposed language for the Board to review for rule changes.

Amy Johnson appeared before the Board with her attorney Rob Mosby. During the last meeting, the Board made the motion to postpone their recommendations until Dr. Johnson provided a psychiatric evaluation from a Board approved psychiatrist. Psychiatrist Dr. Haas appeared to discuss her case with the Board.

BOARD ACTION:

Dr. Newsome made the motion to reinstate Dr. Johnson's pharmacist license and require her to continue to have monthly meetings with Dr. Haas for the next twelve months and have him submit a progress report at six months and twelve months. Dr. Crouse seconded the motion. The vote for the motion was unanimous.

Kyle Lomax appeared with his attorney, Darren O'Quinn to request approval for a central fill pharmacy location for the pharmacies he owns in Jonesboro and the surrounding rural areas.

BOARD ACTION:

Dr. Crouse made the motion to approve the central fill request as presented. Dr. Jolly seconded the motion. The vote for the motion was unanimous.

Lynn Crouse presented the Board with a request to add two new stores to his previously approved central fill locations and to include a robotic feature.

BOARD ACTION:

Dr. Mack made the motion to approve the central fill request as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous. Dr. Crouse recused from this vote.

The Board adjourned for the day.

Wednesday, February 9, 2022

The meeting was called to order by Rebecca Mitchell, Pharm.D., President.

Members present:

- * Lynn Crouse, Pharm.D. (Zoom)
- * Lenora Newsome, P.D.
- * Brian Jolly, Pharm.D.
- * Rodney Richmond, Pharm.D. (Zoom)
- * Debbie Mack, P.D. (Zoom)
- * Carol Rader, RN (Zoom)
- * Amy Fore, MHSA (Zoom)

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Brenda McCrady, P.D, Assistant Director
- * Luke Daniel, General Counsel (Zoom)
- * Kevin Robertson, Pharm.D.
- * Cindy Fain, P.D.
- * Brandon Holland, Pharm.D.
- * Lana Whitmore, CFO

All members were present.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Anna Jennett Durant, Pharmacy Technician Applicant, Case #2022-011**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Christian Harris. The Board was represented by Luke Daniel. The respondent was not represented by counsel.

BOARD ACTION

Dr. Crouse made the motion in the matter of **Anna Jennett Durant, Pharmacy Technician Applicant, Case #2022-011**, that Allegations A1 – A4 are true, and Charge C1 is proven, and move to take no action on this at this time, but her application will be reconsidered if a facility applies and receives a DEA waiver for her to work in said facility. Dr. Richmond seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Margaret Katheryn Giberson, Pharmacy Technician Applicant, Case #2022-007**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Christian Harris. The Board was represented by Luke Daniel. The respondent was not represented by counsel.

BOARD ACTION

Dr. Richmond made the motion in the matter of **Margaret Katheryn Giberson, Pharmacy Technician Applicant, Case #2022-007**, that Allegations A1 – A8 are true, and Charge C1 is proven, and move to ask for a letter from current employer stating her current employment is in good standing as well as a letter from treating psychiatrist that she is medically stable and approved to work in a pharmacy setting. Once documents are received, staff has authority to approve

her pharmacy technician application. Dr. Mack seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Jaquincea Teara Moore, Pharmacy Technician Applicant, Case #2022-006**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Christian Harris. The Board was represented by Luke Daniel. The respondent was not present for the hearing.

BOARD ACTION

Dr. Crouse made the motion in the matter of **Jaquincea Teara Moore, Pharmacy Technician Applicant, Case #2022-006**, that Allegations A1 – A5 are true, and Charge C1 is proven, and I move to deny her pharmacy technician application. Dr. Jolly seconded the motion. Dr. Richmond was not present for the vote. The motion passes.

The Board conducted an emergency hearing in the matter of **Mary Halston Smith, PT95633, Case #2022-018**.

BOARD ACTION:

Dr. Newsome made the motion to suspend the pharmacy technician permit of **Mary Halston Smith, PT95633, Case #2022-018** pending a full revocation hearing. Dr. Jolly seconded the motion. Dr. Richmond was not present for the vote. The motion passes.

The Board conducted an emergency hearing in the matter of **Sterling-Knight Pharmaceuticals, LLC, WD04688, Case #2021-100**.

BOARD ACTION:

Dr. Mack made the motion to suspend the pharmacy technician permit of **Sterling-Knight Pharmaceuticals, LLC, WD04688, Case #2021-100** pending a full revocation hearing. Dr. Crouse seconded the motion. Dr. Richmond was not present for the vote. The motion passes.

Dr. Kirtley reminded the Board that CARTI is in process of obtaining retail pharmacy permits through the Board of Pharmacy. CARTI is requesting approval by the Board to provide samples to patients though all their locations.

BOARD ACTION:

Dr. Newsome made the motion to approve the request as presented. Dr. Mack seconded the motion. The vote for the motion was unanimous.

Act 408 of 2021 was implemented to provide Arkansas pharmacists the authority to prescribe oral contraceptives under a statewide protocol. Dr. Nicki Hilliard, Marlene Battle, and John Vinson, all with the Arkansas Pharmacists Association were present to present a Pharmacist Prescribing of Self-Administered Oral Contraceptive Therapy Statewide Protocol for review and approval by the Board. If approved, the protocol would then be presented to the Arkansas State Medical Board for approval.

BOARD ACTION:

Dr. Mack made the motion to approve the protocol with the discussed changes to submit to the medical board for their review and possible changes in order to continue with the next steps in the process. Dr. Jolly seconded the motion. The vote for the motion was unanimous.

A Public Hearing on rule changes was called to order at 1:02.

Rule 7 – Drug Products/Prescription

Proposed changes will update language regarding Therapeutic Substitution as outlined in Act 503 of 2021 and establish Prescription Delivery Standards as outlined in Act 922 of 2021.

Dr. Kirtley presented letters from Quarles & Brady and Walmart, requesting substantive language changes be made to the amendment. There was no public comment in opposition to the rule changes.

BOARD ACTION:

Dr. Jolly made the motion to adopt Rule 7 with the two non-substantive changes reviewed in the discussion. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Rule 9 – Pharmaceutical Care/Patient Counseling

Proposed changes will describe how the Board of Pharmacy may establish and publish statewide written protocols as developed and adopted with consultation and approval of the Arkansas State Medical Board for the treatment of certain health conditions adopted by rule as outlined in Act 503 of 2021.

Dr. Kirtley presented letters from CVS and APA in favor of the proposed changes. There was no public comment in opposition to the rule changes.

BOARD ACTION:

Dr. Mack made the motion to accept the changes to Rule 5 as presented. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The Public Hearing was closed at 1:49.

Support Group Discussion

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **John Lykins, PD09184, Case #2022-012**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Christian Harris. The Board was represented by Luke Daniel. The respondent was represented by Kyle T. Unser.

BOARD ACTION

Dr. Richmond made the motion in the matter of **John Lykins, PD09184, Case #2022-012**, that Allegations A1 – A6 are true, and Charges C1 – C6 are not proven, and move to dismiss the case. Dr. Jolly seconded the motion. Dr. Newsome was not present for the vote. Dr. Mack opposed the vote. The vote for the motion passes 5 to 1.

Dr. McCrady presented the Board with Consent Agreements, Voluntary Surrenders, and Investigative Costs Recuperations.

BOARD ACTION:

Dr. Jolly made the motion to approve and accept all orders and agreements as presented. Dr. Richmond seconded the motion. The vote for the motion was unanimous.

Dr. Kirtley requested clarification from the Board on a couple of continuing education issues.

BOARD ACTION:

Dr. Newsome made the motion that CPR courses that include a live skills checkoff count for up to two hours of live continuing education. Dr. Crouse seconded the motion. The vote for the motion was unanimous.

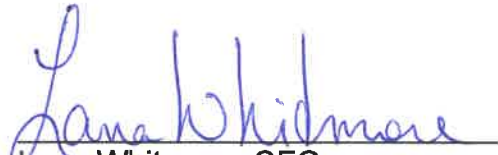
Taylor Clark appeared before the Board to discuss the Arkansas Jurisprudence Examination.

BOARD ACTION:

Dr. Jolly made the motion to allow Ms. Clark to take the Arkansas Jurisprudence Exam for the third time. Dr. Mack seconded the motion. Dr. Richmond recused from the vote. The vote for the motion passes.

The meeting was adjourned.

Prepared by:


Lana Whitmore, CFO

Approved for the Board:

 07 JUN 2022
Rebecca Mitchell, Pharm.D., President