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JOHN CLAY KIRTLEY, Pharm.D.
EXECUTIVE DIRECTOR

June 28, 2018

Phil Price
Bureau of Legislative Research
One Capitol Mall
Little Rock, AR 72201

Dear Members of the Committee,

I am writing today in response to the request for information to be provided to the Senate and House Public Health Committee regarding efforts by the Arkansas State Board of Pharmacy to address the over prescribing of opioid drugs and their subsequent dispensing. As part of our response I will attempt to briefly cover the extensive outreach efforts and educational initiatives that the Board of Pharmacy has engaged in as well as discuss our response to findings of pharmacies/pharmacists that either misused or failed to report appropriate information into the Arkansas Prescription Drug Monitoring Program (PDMP).

First I will attempt to address the use of the PDMP program and how the Board of Pharmacy has handled identified gaps in required reporting as the direct duty of our permit holders is to report into the system. Thus far we have had 2 issues dealing with failure to report correctly and 1 issue dealing with misuse of the system itself.

Without going into minute details, in one case, the Board of Pharmacy Inspector/Investigators who are licensed pharmacists, discovered that a pharmacy appeared to be missing a significant amount of required paperwork dealing with schedule 2 drugs including opioid prescription records. When working through this case our investigative staff also discovered that the pharmacy had not updated to the newer PDMP system and that this failure to report extended beyond the 90 day grace period to report to the new system when it switched in late 2017. In the end, this pharmacy closed and the pharmacist/owner signed an order agreeing to no longer practice, which is still in effect.

In a second case, a prescriber reported to the PDMP that their prescriptions filled at a certain pharmacy did not appear correctly in the PDMP system. Upon review, the PDMP staff reported to our agency that a pharmacy's records may have been entered and subsequently removed from the PDMP reporting. Upon investigation, our investigative staff found that many of the affected prescriptions had a potential link to the pharmacist in charge of the pharmacy. The Board Investigators found what appeared to be numerous inconsistencies with controlled substance records in that pharmacy and the pharmacist signed an order not to practice which is in effect at this time pending a potential future hearing before the Board.

ARKANSAS STATE BOARD OF PHARMACY

In the third case, a person's PDMP report was printed and mailed anonymously to one of our Board members with derogatory statements about that person. The Board member immediately forwarded this to Board Staff. In investigating this matter the Board's Investigative staff did extensive research including legal tracking of IP addresses to connect the report to the pharmacist that later admitted to pulling the report illegally from home after repeatedly denying the same to investigators. Upon a hearing with the Board, the Board of Pharmacy found the pharmacist guilty of 21 counts charged according to Arkansas Pharmacy Rules and Statutes and fined him the maximum amount possible of \$10,500. This case was subsequently filed with the Pulaski County Prosecutor's office and 2 felony charges have been filed against this pharmacist for illegal use of the Arkansas PDMP with expected criminal proceedings to take place this summer.

Educational Programs and Outreach by the Board of Pharmacy:

Legal Education for Pharmacists and Pharmacies

Pharmacists have long had a different approach in their educational requirements in that pharmacists must have legal education in pharmacy school. Each pharmacist graduating from a college of pharmacy in the US must have a semester course in pharmacy law. Board of Pharmacy staff has not only engaged in that course but also gives annual reviews and overviews of the law to students beginning their pharmacy school education as well as often giving a review prior to students starting any experiential rotations in pharmacies during their education. This education covers both state and federal law and includes focus on DEA regulations and the DEA Pharmacists Manual which focus on controlled substances such as opioids. The Board of Pharmacy Director or Assistant Director also teaches a Pharmacy Law Review annually to students preparing for their senior rotations in pharmacy school. This review is in part to ensure that student pharmacists not only have passed their law course but also to ensure they know how the pharmacy laws and regulations apply to them as they prepare to take the Arkansas Pharmacy Jurisprudence Exam. It is worth noting that pharmacy students must pass this exam prior to engaging in their senior year or Advanced Pharmacy Practice Experiences. Every pharmacist licensed in any state must pass the jurisprudence exam in that state. The Arkansas State Board of Pharmacy is the only state board that continues to deliver our test directly to the pharmacists and student pharmacists and we also make our staff of licensed pharmacists available to answer questions both before and after our test administrations for our reciprocating pharmacists. We estimate that by administering our test directly that we save pharmacists and students approximately \$100,000 per year compared to use of the multi-state exam while also providing far more guidance and feedback than most states.

The Board of Pharmacy has been working for years on educational outreach regarding the opioid epidemic we face in our state and that education started largely surrounding tools to both prevent and detect diversion in pharmacies. As part of these efforts for the last decade, the Board developed, provided and continues to teach drug diversion classes to pharmacists throughout the state. The developed shrink report tool for pharmacists is available directly on our website at <http://www.pharmacyboard.arkansas.gov/forms-and-instructions> and is a valuable tool especially for smaller pharmacies that do not have a regulatory affairs staff to help develop these tools. This has been covered by Board staff at fall district meetings for the Arkansas Pharmacist Association (11 to 13 meetings per year for nearly 10 years) as well as in the Annual Law Review and selected lectures in the colleges of pharmacy and other

ARKANSAS STATE BOARD OF PHARMACY

professional meetings since my first year with the Board in 2005. These lectures have also included discussions and handouts regarding Drug Abuse for the same years.

Prescription Drug Abuse Summit

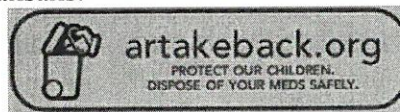
More recent educational initiatives include extensive work on the planning, recruiting, teaching and delivery of the Arkansas Prescription Drug Abuse Summits delivered each year. The Board of Pharmacy has taken a leadership position in many aspects of this summit and has been responsible for the planning and delivery of the Clinical Section educational content for every summit thus far. Part of this planning has included presenting before the Medical and Nursing Boards to ask them to financially support the Summit and to publicize and encourage their licensees to attend. Both of these boards have contributed financially to the Drug Summit and the Nursing Board has even changed meeting dates for entire Board Meetings a couple of times to allow their Board members and staff to attend the Drug Summit. Many of you have attended part of the Drug Summit in previous years and we look forward to having it again November 1, 2018 in Hot Springs, AR.

Other Educational Efforts from the Board of Pharmacy

The Board of Pharmacy has also partnered with DEA, Arkansas Drug Director Kirk Lane and the Drug Director's office for several years on a campaign of Monitor, Secure, Dispose as well as the state website www.ARTakeback.org to educate on the issues with prescription drugs as well as the need for appropriate, timely disposal of all medications.

Labels Save Lives Campaign

The Board of Pharmacy partnered with the Arkansas Drug Director's office and Smith Drug Wholesale in Paragould, AR to produce and distribute 500,000 pharmacy auxiliary labels aimed at educating the public about the appropriate destruction of unused medications and the risks of prescription drugs through the ARTakeback.org website. Walmart also engaged in this process by producing their own labels during the month of April to help get the message out for the April 28, 2018 takeback event nationally sponsored by DEA. This Takeback event resulted in 28,020 pounds of medications being returned for a cumulative total of 291,674 pounds with Arkansas being ranked #3 nationally. The labels carried a powerful message that definitely connected with Arkansans.



Meeting Hosted with US Surgeon General

During his visit to Arkansas, US Surgeon General Dr. Jerome Adams visited the Board of Pharmacy to have a roundtable discussion on efforts by the Board of Pharmacy and associated partners to address the opioid epidemic in our state. During his visit, Dr. Adams shared parts of his own story and experience but also recognized Arkansas efforts with the Labels Save Lives Campaign as noteworthy and efforts with the Arkansas Naloxone Grants through CJI and the Drug Director's office as best practice examples of identifying areas of need in Arkansas through heat maps identifying potentially excessive prescribing or filling of prescriptions as well as issues of overdose and death from opioids.

Development and Presentation of the Naloxone Statewide Protocol

The Naloxone Statewide Protocol was developed and written in cooperation with the Arkansas Pharmacists Association and then presented to the Arkansas Medical Board in 2017 in accordance with Act 284 of 2017. This protocol along with educational links and a

ARKANSAS STATE BOARD OF PHARMACY

PowerPoint presentation from the Board to help educate people on naloxone are all available on the Board of Pharmacy website at: www.pharmacyboard.arkansas.gov/naloxone
The Board of Pharmacy understands that there are many pharmacies in Arkansas utilizing this tool as a conversation starter during patient counseling about risks when using opioids and have reported success in helping to change patient awareness of opioid risks as well as behavior in regard to caution with opioids.

Co-teaching Prescription Drug Classes with DEA

The Board has partnered with the University of Arkansas Criminal Justice Institute to help train law enforcement officers in day long courses about prescription drug diversion and issues with abuse of prescription drugs such as opioids. This training has included every officer going through the Narcotic Officer Certificate Program (NOCP) for the last several years. These courses are designed to better prepare officers to deal with drug issues in their communities. This partnership with DEA and CJ has resulted in multiple opportunities for DEA to co-teach programs for pharmacists as well.

Certified Law Enforcement Prescription Drug Diversion Investigators

The Board of Pharmacy helped create and deliver this program through CJ initiatives where 25% of the program was co-taught between Board of Pharmacy and DEA as part of Act 901 of 2015. This program has become a national model for the PDMP to be an investigative tool for prescription drug diversion and fraud cases they face along with issues of doctor shopping

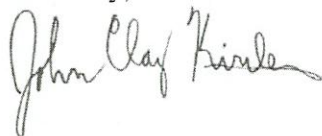
Pharmacist Group on Facebook

The Board is also involved in helping to educate pharmacists and pharmacy related people through a couple of Facebook groups specific to Arkansas Pharmacy issues. We have helped to answer and clarify regulatory questions as well as promoting educational opportunities. Not only do we share issues about known forgeries and fake prescriptions, pharmacists often share information about upcoming educational opportunities such as Drug Summit, the ARImpact education developed and delivered by UAMS and supported by the Drug Director and DBHS, Ron Robinson event of Saving a Generation showing with panel discussion, Board Meetings and several other issues related to the opioid epidemic. I personally serve as an administrator and answer questions well outside of office hours.

I would close by saying that this is a short list of the efforts the Board of Pharmacy has engaged in regarding prescription drug misuse, abuse and addiction. The Board does an annual review of the strategic initiatives worked on by the Executive Director and staff. Educational and outreach efforts on prescription drug diversion and abuse are a major expectation and focus of that review each year. We plan to attend on the 2nd and will be happy to answer any questions you may have for our agency.

If you have any additional questions regarding this matter in the meantime, please do not hesitate to contact me.

Sincerely,



John Clay Kirtley, Pharm.D.,
Executive Director