

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

Tuesday, January 9, 2024

The Arkansas State Board of Pharmacy met for a regular scheduled Board meeting on January 9, 2024. The was held at the Arkansas State Board of Pharmacy office located at 322 South Main Street, Suite 600, Little Rock, AR.

The meeting was called to order by Brian Jolly, Pharm.D., President.

Members present:

- * Rodney Richmond, Pharm.D.
- * Lynn Crouse, Pharm.D.
- * Lenora Newsome, P.D.
- * Debbie Mack, P.D.
- * Harold Simpson
- * Beth Ann Davenport, Pharm.D.

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Ashley Vailes, General Counsel
- * Kevin Robertson, Pharm.D.
- * Brandon Holland, Pharm.D.
- * Lindsey Tankersley, Pharm.D.

Clint Boone recused from the meeting and was not present.

Dr. Kirtley presented the 2024 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 as presented. Dr. Richmond seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to Orders and Notice of Hearings in the matter of **CVS Pharmacy #10019, Texarkana, AR – License #AR20686, Case #2020-105; CVS Pharmacy #10408, Bella Vista, AR – License #AR20773, Case #2020-007; CVS Pharmacy #10430, Sherwood, AR – License #AR20768, Case #2020-104.** Dr. Jolly called the hearing to order and turned the proceeding over to the Hearing Officer, Charles Moulton. The Board was represented by Ashley Vailes. The respondent was represented by David S. Mitchell, Jr., and Ryan Smith.

The meeting was adjourned for the day.

Tuesday, January 9, 2024

The meeting was called to order by Brian Jolly, Pharm.D., President.

Members present:

- * Rodney Richmond, Pharm.D.
- * Lynn Crouse, Pharm.D.
- * Lenora Newsome, P.D.
- * Debbie Mack, P.D.
- * Harold Simpson
- * Beth Ann Davenport, Pharm.D.

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Ashley Vailes, General Counsel
- * Kevin Robertson, Pharm.D.
- * Brandon Holland, Pharm.D.
- * Lindsey Tankersley, Pharm.D.

Clint Boone recused from the meeting and was not present.

The hearing for CVS Pharmacies was continued. Dr. Jolly called the hearing to order and turned the proceeding over to the Hearing Officer, Charles Moulton. The Board was represented by Ashley Vailes. The respondent was represented by David Mitchell, Jr., and Ryan Smith.

BOARD ACTION

Mr. Simpson made the motion the Board make the following findings of fact and conclusions of law and take the following action: in the matter of **CVS Pharmacy #10019, Texarkana, AR – License #AR20686, Case #2020-105**, the Board finds that Allegations A1 – A10 and Charges C1 – C4 have been proven by a preponderance of evidence. The Board further finds that each of the charges set forth in C1 through C4 in the Order and Notice of Hearing, independent of the other charges, is sufficient to support the action taken below by the Board. The Board takes the following action by adopting a civil fine in the amount of \$36,500.00 computed as 73 violations times \$500 and in addition to that, assesses one-third of the Board calculated hearing expenses as determined by the staff with regard to the three combined hearings. Dr. Mack seconded the motion. The vote for the motion was five ayes and one nay – the motion passes.

BOARD ACTION

Mr. Simpson made the motion the Board make the following findings of fact and conclusions of law and take the following action: in the matter of **CVS Pharmacy #10430, Sherwood, AR – License #AR20768, Case #2020-104**, the Board finds that Allegations A1 – A9 and Charges C1 – C4 are proved by a preponderance of evidence. The Board further finds that each of the charges set forth in C1 through C4 in the Order and Notice of Hearing, independent of the other charges, is sufficient to support the action taken below by the Board. The Board takes the following action by adopting a civil penalty in the amount of \$13,500.00 computed as 27 violations times \$500 and in addition to that, assesses one-third of the staff calculated hearing expenses for the three matters tried together. Dr. Crouse

seconded the motion. The vote for the motion was five ayes and one nay – the motion passes.

BOARD ACTION

Mr. Simpson made the motion the Board make the following findings of fact and conclusions of law and take the following action: in the matter of **CVS Pharmacy #10408, Bella Vista, AR – License #AR20773, Case #2020-007**, the Board finds that Allegations A1 – A14 and Charges C1 – C5 are proved by a preponderance of evidence. The Board further finds that each of the charges C1 through C5 set forth in the Order and Notice of Hearing, independent of the other charges, is sufficient to support the action taken below by the Board. The Board takes the following action by adopting a civil penalty in the amount of \$54,000.00 computed as 108 violations times \$500 and one-third of the staff calculated hearing expenses for the three matters heard today combined. Dr. Newsome seconded the motion. The vote for the motion was five ayes and one nay – the motion passes.

The meeting was adjourned.

Prepared by:


Lana Whitmore, CFO

Approved for the Board:


Brian Jolly, Pharm.D., President