

MISSOURI BOARD OF PHARMACY

2004 ANNUAL REPORT
July 1, 2003 through June 30, 2004



BOB HOLDEN, GOVERNOR
STATE OF MISSOURI

KELVIN L SIMMONS, DIRECTOR
DEPARTMENT OF ECONOMIC DEVELOPMENT

MARILYN TAYLOR WILLIAMS, DIRECTOR
DIVISION OF PROFESSIONAL REGISTRATION

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**DEPARTMENT OF ECONOMIC DEVELOPMENT
DIVISION OF PROFESSIONAL REGISTRATION
BOARD OF PHARMACY MEMBERS AND STAFF**

P.O. BOX 625, JEFFERSON CITY, MISSOURI
PHONE (573) 751-0091
FAX (573) 526-3464
Web Site <http://www.pr.mo.gov/pharmacists.asp>

BOARD MEMBERS

Elaina M. Wolzak, R. Ph., President
Douglas R. Lang, R. Ph., Vice President
Pamela L. Marshall, R.Ph., Member
Gary F. Sobocinski, R. Ph. Member
Tim Koch, R. Ph., Member
Melissa A. Graham, R. Ph., Member
Anita K. Parran, Public Member

BOARD INSPECTORS

Thomas Glenski, R. Ph., Chief Inspector
Michael Kidd, R. Ph., Inspector
Robert "Bud" Alexander, R. Ph., Inspector
Frank Van Fleet, R. Ph., Inspector
Barbara A. Wood, R. Ph., Inspector
Sidney "Sid" Werges, R. Ph., Inspector
One vacant inspector position

EXECUTIVE DIRECTOR

Kevin E. Kinkade, R.Ph.

OFFICE STAFF

Tammy Siebert
Vacant
Regina Divine
Don Walker
Nancy Gillam
Vacant
Laura Payton

Executive Assistant
Compliance Coordinator
Pharmacist Coordinator
Drug Distributor Coordinator
Licensing Technician I
Pharmacy Coordinator
Pharmacy Technician Coordinator

DIVISION OF PROFESSIONAL REGISTRATION

Marilyn Taylor Williams - Division Director

ORGANIZATION AND DESCRIPTION OF THE BOARD OF PHARMACY

MISSION

The Board's mission is to promote, preserve and protect the public health, safety and welfare by assuring the provision of quality pharmaceutical care to the citizens of Missouri, through the regulation of the practice of pharmacy.

ORGANIZATION

The Missouri Board of Pharmacy is an agency within the Division of Professional Registration, Department of Economic Development. The Board was created by House Bill No. 87 of the General Assembly of 1909. The Board consists of seven (7) persons, one who is a public member and six (6) who are licensed pharmacists actively engaged in the practice of pharmacy. At least one of these members must be a person who provides, on a full-time basis, pharmaceutical services to a hospital, skilled nursing facility or an intermediate care facility. Board Members are appointed by the Governor and hold office for (5) years from the date of their appointment and until their successors have been appointed and qualified. Board Members appointed by the Governor are subject to approval of the Senate. Annually, the Board shall organize by the election of a president, and a vice president, each of whom serves for one year. The Board maintains a record of all of its proceedings through the maintenance of minutes for both its open and closed session meetings, pursuant to provisions in Chapter 610 and 620.

The Board appoints five members to an Advisory Committee for Drug Distributors. This committee advises and makes recommendations to the Board concerning any rule changes proposed involving the drug distributor licensing program. A list of the current members of the committee is available at the Board of Pharmacy office.

The Board is an active member of the National Association of Boards of Pharmacy, and a member of District 6 in NABP.

AUTHORITY AND FUNCTION

Sections 338.035, 338.140, 338.280 and 338.350 RSMo 2000 provide the Board authority to adopt rules and regulations for the application and enforcement of Chapter 338, RSMo. The Board has superintending control over the practice of pharmacy in the State of Missouri and its primary duties consist of:

1. Examining and licensing of applicants;
2. Accrediting of pharmacy colleges;
3. Renewing biennially, the licenses of qualified pharmacists, pharmacies, drug distributors, and renewing annually, the licenses of intern pharmacists;
4. Investigation of complaints involving any licensee or registrant received including public complaints, information from other state and/or federal agencies, or violations discovered during routine inspections of pharmacy and drug distributor operations;
5. Suspending, revoking, or placing on probation the license of any pharmacist, pharmacy, drug distributor, or intern pharmacist found to be in violation of Chapter 338, RSMo;
6. Inspection of pharmacies and drug distributors;
7. Inspection and licensing of pharmacies for intern certification;
8. Licensing and biennial renewal of non-resident pharmacies and drug distributors;
9. Registering and renewing pharmacy technicians annually.

Several publications are available through the Board of Pharmacy. These include the Annual Report, the Consumers Report and the Board of Pharmacy quarterly Newsletter.

**KEVIN E. KINKADE, R.PH
EXECUTIVE DIRECTOR**

BOARD STRATEGIC PLAN

At an annual Retreat in March, the board identifies both current and expected pharmacy issues, reviews statutes and regulations, and develops a strategic plan for the next year. They also review board office activities, review statistics and identify areas which need improvement or change. The Strategic Plan is then a part of the April regular board meeting agenda for approval or revision. Once the Strategic Plan is approved, the Executive Director initiates the necessary action within the Board Office and with field staff, to meet the goals established. As activity occurs, the plan is updated and is a part of each board meeting open agenda. Issues identified and added to the Strategic Plan for 2004-2005 are:

- ◆ Reorganize the Board of Pharmacy office and field operations to streamline processing and communications.
- ◆ Review and update inspection procedures to better utilize modern technologies.
- ◆ Initiate changes to regulations and policies governing the pharmacy intern program.
- ◆ Explore the feasibility of a competency-based assessment program for pharmacy technicians with continuing education requirements.
- ◆ Review NABP guidelines and provide recommended changes for wholesale drug distribution standards and regulations.
- ◆ Prepare and conduct law presentations for the general licensee population with emphasis on drug compounding as well as other issues of concern.
- ◆ Complete an analysis of needed revisions to the pharmacy practice act projected over the next five years, prioritize categories, and prepare revisions.

\$\$ FINANCIAL INFORMATION \$\$

The Missouri Board of Pharmacy's appropriation for fiscal year ending June 30, 2004 was as follows:

Personal Service	\$ 548,217	Expense and Equipment	\$ 751,756
		Criminal History Fund	\$ 41,140 E
		Transfers*	\$ 482,667

*Transfers include:

- Rent
- Professional Registration
- Optical Imaging
- DED/MIS
- Hancock Refunds
- Licensing System
- Attorney General
- Administrative Hearing Commission
- Office of Administration Allocated Expenses

BOARD MEETING INFORMATION

During the fiscal year ending June 30, 2004, the Board met in regular session a total of 15 days.

INSPECTION INFORMATION

During the fiscal year ending June 30, 2004, the board inspectors conducted a total of 1264 regular inspections of pharmacies and drug distributors throughout the state. This total does not include additional trips to a pharmacy or drug distributor for follow-up inspections or investigations.

GOLD CERTIFICATES ISSUED

The following individuals received Gold Certificates during FY 2004, which are signed by the Governor of the State of Missouri, as well as by the Board Members and the Executive Director. The certificate represents fifty (50) years of active service as a Missouri pharmacist.

Asner, Herschel	Saint Louis	MO
Balk, Blair G	Clayton	MO
Barks, R D	Florissant	MO
Bena, Richard A	Des Peres	MO
Bergman, Kenneth H	Lees Summit	MO
Bisceglia, Francis P	Kansas City	MO
Branum, Maurice J	Joplin	MO
Charles, Ray C	Carbondale	IL
Chura, George R	Lake St Louis	MO
Cooper, Eugene L	Surprise	AZ
Coran, Aubert	Longboat Key	FL
Dempsey, Kenneth J	Sikeston	MO
Dunstan, Kenneth W	Eldon	MO
Goldberg, Sidney A	Olivette	MO
Greene, Everett F	Kansas City	MO
Handler, Lee R	Creve Coeur	MO
Heller, Donna J	Saint Louis	MO
Jackson, John E, Jr	St Louis	MO
Juengel, William A	St Clair	MO
Klotz, Raymond F	Kirkwood	MO
Mason, Robert E	Cincinnati	OH
Mohan, Thomas J, Jr	Laplata	MO
Newman, Melvin K	St. Louis	MO
Oris, William C	Florissant	MO
Rosenhauer, Edward C	St Louis	MO
Shmuger, Samuel S	St Louis	MO
Stoll, Don H	Columbia	MO
Walker, William D	Licking	MO
Weinstein, Ernest H	Kansas City	MO
Wolter, David H	St Charles	MO

OTHER BOARD INFORMATION

During the calendar year 2004, Board of Pharmacy office staff received and responded to 12,572 incoming telephone calls, covering a variety of subjects. The major topics are indicated in the chart shown above.

**DISCIPLINARY INFORMATION
COMPLAINTS FILED**

**STATISTICS BELOW REFLECT TOTAL COMPLAINTS
FOR THE FISCAL YEAR ENDING JUNE 30, 2004**

Total Number of Complaints Received by the Board..... 407

Adulterated Drugs	2
Alcohol	6
Allowing unlicensed person to practice	6
Bad Checks	1
Compounding	3
Confidentiality	3
Disciplinary Action in Another State	1
Discipline Revisions	7
Dispensing Errors	51
Drug Distribution Violations	9
Drugs	14
Drugs – Crack	1
Ethical	6
Expired Drugs	2
Felony	1
Fraud-Unspecified	1
Fraudulent Prescriptions	5
Improper Controls	2
Improper Dispensing	77
Incompetence	1
Insurance Fraud – Non-Govt or Private	1
Licensure applicant	59
Loss of Drugs	12
Misbranding	3
Mislabeling	2
Narcotics Violations	1
Pharmacy Permit Violations	9
Practicing without a License	26
Previous Disciplinary Action	2
Recordkeeping	19
Repackaging/Prepackaging	2
Security	2
Substitution	5
Theft of Drugs	40
Theft of Drugs for Self-Administration	2
Theft of Money	1
Unauthorized Dispensing	6
Unauthorized Refills	2
Unlicensed	1
Unprofessional Conduct	1
Unsupervised Dispensing	1
Violation of Disciplinary Order	11

SOURCE OF COMPLAINTS

Complaints Received From Public	143
Complaints Received from Other Agencies	25
Complaints Received from Board or Inspectors	87
Complaints Received from Other State Boards	1
Complaints Regarding Licensing Issues	100

Administrative Correction Letters Sent	30
Letters of Concern Sent	31
Administrative Warning Letters Sent	20
Letters of Warning – Serious Violations Sent	4
Professional Misconduct Letters Sent	1
Cease and Desist Letters Sent	9
Technician Disqualification Letters Sent	13
Technician Conditional Employment Letters Sent	32
Miscellaneous Non-Administrative Board Letters Sent	0
Investigations Requested/Not Complete	272
Individuals Requested to Meet with the Board	25
Cases Referred to Legal Counsel	37
No Action/Insufficient Evidence	27
Disposition Complete – Other	35

NOTE

Disposition numbers will not equal the number of complaints received and processed, since some cases resulted in dual action, i.e., the pharmacist met with the Board and then received some type of letter, or was referred to legal counsel for filing, etc.

DISCIPLINE

ACTIONS

Complaints Filed with Administrative Hearing Commission	6
Injunction Cases Filed in Circuit Courts	5
Disciplinary Hearings Held	3
Felony Hearings Held	5
Settlement Agreements Entered	21
Settlement Agreements w/AHC	4
Restricted Licenses Issued Pursuant to Section 620.149	6
Violation Hearings Held	2

DISCIPLINE RESULTS

Pharmacy Permit Denials	2
Pharmacist Licenses Revoked	2
Pharmacist Licenses Suspended Followed by Probation	8
Pharmacist Licenses on Probation	9
Pharmacist Licenses Censured	1
Pharmacy Permits Revoked	1
Pharmacy Permits on Probation	6
Pharmacy Permits Censured	1
Pharmacy Permits Suspended Followed by Probation	1
Drug Distributor Licenses Suspended Followed by Probation	2
Restricted Pharmacist Licenses Issued Pursuant to Section 620.149	2
Restricted Pharmacy Permits Issued Pursuant to Section 620.149	2
Restricted Drug Distributor Licenses Issued Pursuant to Section 620.149	3

NOTE

Since the time frame of cases from point of first review to the final disposition may be lengthy, the totals shown above will not necessarily balance. A case may be reviewed by Board, referred to legal counsel, filed with the Administrative Hearing Commission and be decided by disciplinary hearing, consent order or otherwise, all in separate fiscal years.

CENSUS OF LICENSED PHARMACISTS FEBRUARY 24, 2005



TOTAL PHARMACISTS INSTATE AND OUT OF STATE

Total Licensed Pharmacists	7,131
Active license	6,824
Male	3,770
Female	3,054
Inactive license	307
Male	178
Female	129

TOTAL NUMBER OF PHARMACISTS RESIDING IN MISSOURI

Active License – Practicing Pharmacy	4,471
Male	2,470
Female	2,001
Inactive License – Not Practicing Pharmacy	81
Male	55
Female	26

BREAKDOWN OF EMPLOYMENT STATUS IN MISSOURI

Retail Pharmacy (Independent)	941
Community Pharmacy (Chains)	1,443
Hospitals and Clinics	1,029
Renal Dialysis	1
Medical Gas	2
Consulting	85
Nuclear	23
Nursing Home	89
Home Health	48
Teaching	41
Retired	67
Not Practicing in Missouri	5
Not Active in Pharmacy	145
Unemployed	54
Manufacturing	30
Government	19
Sterile Products	7
Other	60
Unknown	382



**AGE GROUP BREAKDOWN OF INSTATE AND OUT-OF-STATE PHARMACISTS
(AS OF FEBRUARY 24, 2005)**

Under the age of 30	621
Ages 30-39	1994
Ages 40-49	1979
Ages 50-59	1724
Ages 60-69	679
Ages 70-79	298
Ages 80-89	42
Ages 90+	3



CENSUS OF LICENSED PHARMACIES AS OF FEBRUARY 24, 2005

Total Licensed Pharmacies as of February 24, 2005	1,604
Instate Pharmacies.....	1,239
Non-Resident Pharmacies.....	365



BREAKDOWN OF INSTATE PHARMACIES

Class A-Retail Pharmacies (Independent)	230
Class A - Chain Pharmacies	515
Class B - Hospital Pharmacies.....	110
Class C - LTC Pharmacies.....	9
Class D – Home Health Pharmacies	2
Class E – Radiopharmaceutical.....	10
Class F – Renal Dialysis Pharmacies	2
Class G – Medical Gas Pharmacies.....	0
Class H – Sterile Products	2
Class I – Consultant Pharmacy.....	2
Class J – Shared Services Pharmacy	0
Pharmacies With Multiple Classes	357

**CENSUS OF
DRUG DISTRIBUTORS/MANUFACTURERS
LICENSED AS OF FEBRUARY 24, 2005**

Total Drug Distributors Licensed with a Permanent License	1,135
Total Drug Distributors Licensed with a Temporary License	67
Total Out-of-State Manufacturers Registered.....	93



NOTE

Any out-of-state drug company or manufacturer that ships/transfers legend drugs or devices into this state is required to obtain an out-of-state drug distributor license with this office.

Upon receipt of a license application, the company is issued a temporary license. This temporary license is valid for a period of one (1) year or until the application has been completely processed by this office, at which time, a permanent license is issued or the application is denied by the Board.

All in-state drug companies that ship/transfer legend pharmaceuticals are also required to obtain licensure with this office.

Any pharmacy that distributes legend drugs to any entity other than the consumer (the patient), such as other pharmacies, physicians, etc., must obtain a drug distributor's license if that type of distribution exceeds 5% of the pharmacy's total gross sales of legend products.

CENSUS OF OTHER LICENSEES AS OF FEBRUARY 24, 2005

Total Licensed Interns	762
Total Registered Pharmacy Technicians	12,569

**MISSOURI BOARD OF PHARMACY
INSPECTORS AND COUNTIES ASSIGNED**

#1 VanFleet	#2 (Vacant)	#3 Glenski	#4 Kidd	#5 Wood	#6 Alexander	#7 Werges
Barton	Barry	Andrew	Butler	Bollinger	Adair	Audrain
Bates	Christian	Atchison	Carter	Cape Girardeau	Clark	Benton
Cass	Dade	Buchanan	Iron	Dunklin	Knox	Boone
Cedar	Dallas	Caldwell	Jefferson	Franklin	Lewis	Callaway
Henry	Douglas	Carroll	Madison	Mississippi	Lincoln	Camden
Jackson	Greene	Clay	Reynolds	New Madrid	Marion	Chariton
Johnson	Howell	Clinton	Ripley	Pemiscot	Monroe	Cole
St. Clair	Jasper	Davies	Shannon	Perry	Montgomery	Cooper
Vernon	Lawrence	Dekalb	St. Francois	Scott	Pike	Crawford
	McDonald	Gentry	STL City	St. Charles	Ralls	Dent
	Newton	Grundy	STL County	Ste. Genevieve	Schuyler	Gasconade
	Oregon	Harrison	Washington	STL City	Scotland	Hickory
	Ozark	Holt	Wayne	STL County	Shelby	Howard
	Polk	Lafayette		Stoddard	STL City	Laclede
	Stone	Linn			STL County	Macon
	Taney	Livingston			Warren	Maries
	Texas	Mercer				Miller
	Webster	Nodaway				Moniteau
	Wright	Platte				Morgan
		Putnam				Osage
		Ray				Pettis
		Sullivan				Phelps
		Worth	Pharmacies in St.	Drug Distributors	Pharmacies & Drug	Pulaski
			Louis City & County	in St. Louis City &	Distributors in St.	Randolph
			South of Hwy. 40	County South of Hwy. 40	Louis City & County	Saline
				Hwy. 40	North of Hwy. 40	