

MISSOURI BOARD OF PHARMACY

2005 ANNUAL REPORT
July 1, 2004 through June 30, 2005



**MATT BLUNT, GOVERNOR
STATE OF MISSOURI**

**GREGORY A. STEINHOFF, DIRECTOR
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**ALISON CRAIGHEAD, DIRECTOR
DIVISION OF PROFESSIONAL REGISTRATION**

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

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PHONE (573) 751-0091
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Web Site <http://www.pr.mo.gov/pharmacists.asp>

BOARD MEMBERS

Douglas R. Lang, R. Ph., President
Tim Koch, R. Ph., Vice President
Pamela L. Marshall, R.Ph., Member
Gary F. Sobocinski, R. Ph. Member
Elaina M. Wolzak, 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
Barbara A. Wood, R. Ph., Inspector
Sidney "Sid" Werges, R. Ph., Inspector
Two vacant inspector positions

EXECUTIVE DIRECTOR

Kevin E. Kinkade, R.Ph.

OFFICE STAFF

Tammy Siebert
Regina Divine
Don Walker
Todd Rowland
Vacant
Laura Payton

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

DIVISION OF PROFESSIONAL REGISTRATION

Alison Craighead - 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 2005-2006 are:

- ◆ Continue to stress need for enhanced public safety initiatives that provide needed authority to the Board to effectively and timely act on various issues important in the role of the board as protector of the public.
- ◆ Provide language for development of defined training levels of pharmacy technicians.
- ◆ Research and develop criteria for licensure and regulation of out-of-state contracting for after hours coverage of pharmacy operations.
- ◆ Develop language for amendment to existing rules to require that a pharmacist designated as a PIC on an out-of-state license he/she must be licensed with the Missouri Board of Pharmacy.
- ◆ Furnish amendments to drug distributor rules to provide updated and improved standards for licensing minimum standards of operation.
- ◆ Enhance board web site to increase use by customer base.
- ◆ Initiate input of inspection data by inspectors through the use of software and technology changes.
- ◆ Major emphasis on utilizing technology by inspectors and MIS in providing electronic inspection forms and reports.
- ◆ Re-visit the issue of batch renewals for corporate licenses of pharmacy permits and drug distributor licenses. Review to include a cost analysis and software assessment.
- ◆ Research the legal and procedural issues surrounding a policy of requiring all license renewals to be completed online.
- ◆ Develop a report on the outcomes associated with the board's random drug testing program for compounded drug products.
- ◆ Develop a report on the outcomes associated with the board's pharmacy internet licensure and drug law enforcement program.

\$\$ FINANCIAL INFORMATION \$\$

The Missouri Board of Pharmacy's appropriation for fiscal year ending June 30, 2005 was as follows:

Criminal History Fund	\$ 150,000 E
Transfers*	\$ 461,658

*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, 2005, the Board met in regular session a total of 15 days.

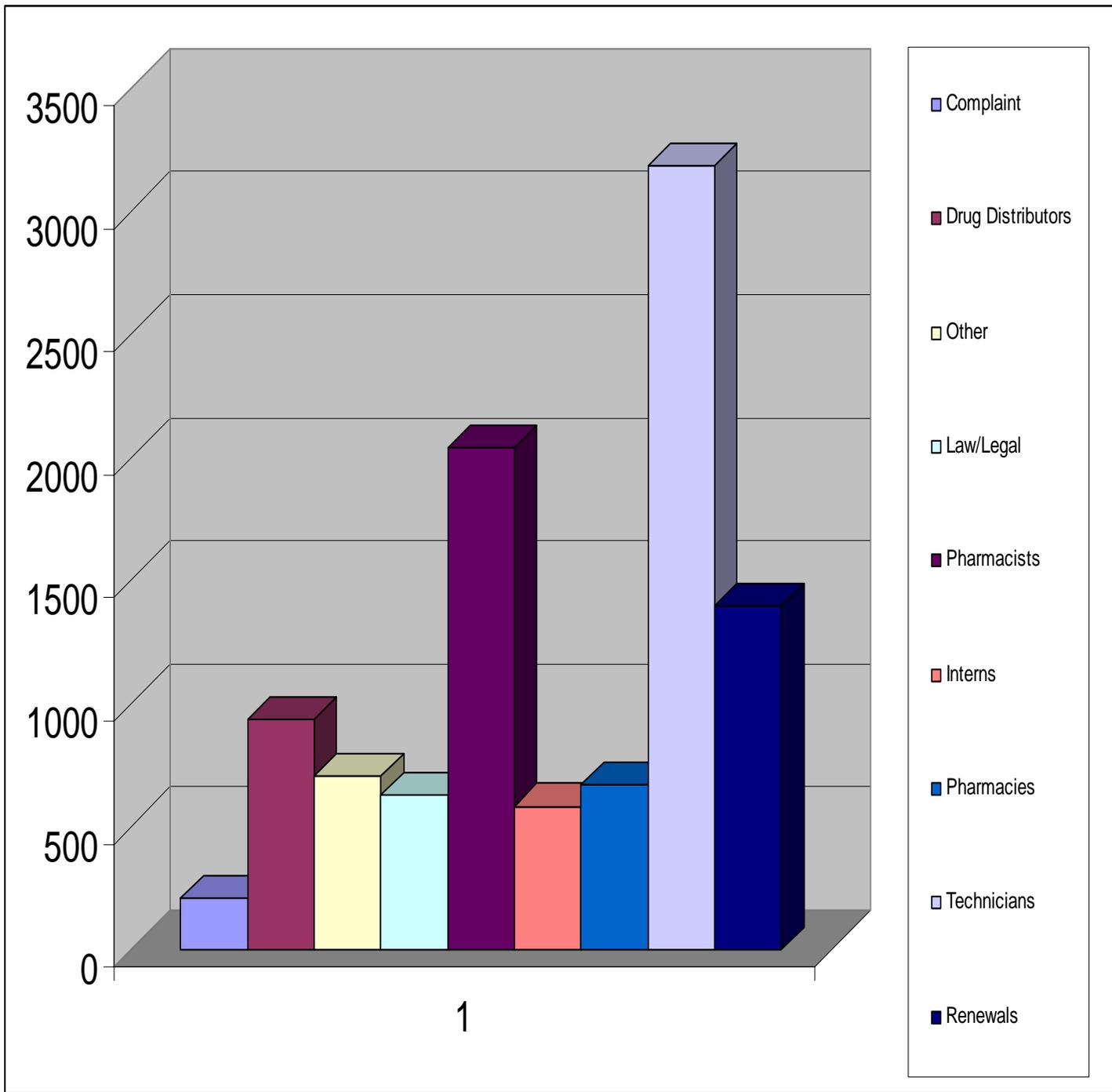
INSPECTION INFORMATION

During the fiscal year ending June 30, 2005, the board inspectors conducted a total of 983 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 2005, 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.

Alper, Stanley C	Saint Louis	MO
Becker, Donald E	Goleta	CA
Bernstein, Marvin	Saint Louis	MO
Chapin, James T	Saint Louis	MO
Ellis, James H	Chesterfield	MO
Gianino, Joseph S	Ellisville	MO
Goodman, Abert	Saint Louis	MO
Horr, Ronald D	Niceville	FL
Kleiman, Donald	St. Louis	MO
Kountz, Bobbie B	Kansas City	MO
Lubick, Morris	Winnetka	CA
Mallams, George E	Harold	FL
Michel, Kenneth A	Poplar Bluff	MO
Neff, Owen H	Lees Summit	MO
Pitts, Billy G	Kansas City	MO
Rosenberg, Albert M	Clayton	MO
Simms, Charles	Glen Echo	MO
Skinner, Don F	Independence	MO
Snead, Carroll M	Cape Girardeau	MO
Watkins, Richard M	Saint Louis	MO
Yociss, Frank J	Brentwood	MO
Zelenovich, Mike	St Charles	MO
Zvibleman, Albert	Saint Louis	MO



OTHER BOARD INFORMATION

During the calendar year 2005, Board of Pharmacy office staff received and responded to 12,093 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, 2005**

Total Number of Complaints Received by the Board..... 295

Alcohol	2
Audit	11
Compounding	10
Confidentiality	2
Dispensing Errors	23
Drug Distribution Violations	16
Drugs	8
Ethical	9
Expired Drugs	1
Felony	3
Fraudulent Prescriptions	3
Improper Dispensing	38
Incompetence	5
Insurance Fraud – Non-Govt or Private	3
Licensure applicant	48
Loss of Drugs	10
Mandatory Reporting Violation	1
Mental Reason	1
No Jurisdiction	23
Pharmacy Permit Violations	2
Practicing without a License	16
Recordkeeping	8
Sales of Drugs to/from unlicensed facility	2
Samples	1
Security	2
Theft of Drugs	29
Theft of Drugs – Sale to Others	1
Theft of Money	3
Unauthorized Dispensing	3
Unsanitary Pharmacy	1
Unsupervised Dispensing	1
Violation of Disciplinary Order	9

SOURCE OF COMPLAINTS

Complaints Received From Public	120
Complaints Received from Other Agencies	28
Complaints Received from Board or Inspectors	82
Complaints Received from Other State Boards	3
Complaints Regarding Licensing Issues	62

Administrative Correction Letters Sent	41
Letters of Concern Sent	46
Administrative Warning Letters Sent	30
Letters of Warning – Serious Violations Sent	18
Professional Misconduct Letters Sent	3
Cease and Desist Letters Sent	2
Technician Disqualification Letters Sent	13
Technician Conditional Employment Letters Sent	35
Miscellaneous Non-Administrative Board Letters Sent	2
Investigations Requested/Not Complete	158
Individuals Requested to Meet with the Board	35
Cases Referred to Legal Counsel	57
No Action/Insufficient Evidence	52
Disposition Complete – Other	41

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	4
Felony Hearings Held	2
Settlement Agreements Entered	22
Restricted Licenses Issued Pursuant to Section 620.149	10
Violation Hearings Held	3

DISCIPLINE RESULTS

Pharmacy Permit Denials	4
Pharmacist Licenses Revoked	3
Pharmacist Licenses Suspended Followed by Probation	5
Pharmacist Licenses on Probation	9
Pharmacist Licenses Censured	2
Pharmacist Volunteer Surrender	1
Pharmacy Permits Volunteer Surrender	1
Pharmacy Permits on Probation	5
Pharmacy Permits Censured	3
Drug Distributor Probation	4
Restricted Intern Licenses Issued Pursuant to Section 620.149	1
Restricted Pharmacist Licenses Issued Pursuant to Section 620.149	3
Restricted Pharmacy Permits Issued Pursuant to Section 620.149	1
Restricted Drug Distributor Licenses Issued Pursuant to Section 620.149	5
Technicians Suspended Due to HB600 Tax Compliance Issues	380
Interns Suspended Due to HB600 Tax Compliance Issues	2

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 AS OF JUNE 30, 2005



TOTAL PHARMACISTS INSTATE AND OUT OF STATE

Total Licensed Pharmacists	7,486
Active license	7,182
Male	3,951
Female	3,231
Inactive license	304
Male	175
Female	129

TOTAL NUMBER OF PHARMACISTS RESIDING IN MISSOURI

Active License – Practicing Pharmacy	4,672
Male	2,628
Female	2,044
Inactive License – Not Practicing Pharmacy	79
Male	52
Female	27

BREAKDOWN OF EMPLOYMENT STATUS IN MISSOURI

Retail Pharmacy (Independent)	938
Community Pharmacy (Chains)	1,442
Hospitals and Clinics	1,029
Renal Dialysis	1
Medical Gas	2
Consulting	86
Nuclear	16
Nursing Home	89
Home Health	48
Teaching	40
Retired	67
Not Practicing in Missouri	6
Not Active in Pharmacy	146
Unemployed	54
Manufacturing	30
Government	18
Sterile Products	7
Other	82
Unknown	571



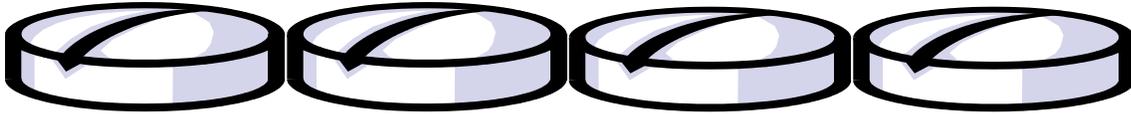
**AGE GROUP BREAKDOWN OF INSTATE AND OUT-OF-STATE PHARMACISTS
(AS OF JUNE 30, 2005)**

Under the age of 30	801
Ages 30-39	1880
Ages 40-49	1971
Ages 50-59	1740
Ages 60-69	731
Ages 70-79	316
Ages 80-89	45
Ages 90+	2



CENSUS OF LICENSED PHARMACIES AS OF June 30, 2005

Total Licensed Pharmacies as of June 30, 2005	1,788
Instate Pharmacies.....	1,370
Non-Resident Pharmacies.....	418



BREAKDOWN OF INSTATE PHARMACIES

Class A-Retail Pharmacies (Independent)	240
Class A - Chain Pharmacies	533
Class B - Hospital Pharmacies.....	113
Class C - LTC Pharmacies.....	7
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	459

**CENSUS OF
DRUG DISTRIBUTORS/MANUFACTURERS
LICENSED AS OF June 30, 2005**

Total Drug Distributors Licensed with a Permanent License	1,208
Total Drug Distributors Licensed with a Temporary License	26
Total Out-of-State Manufacturers Registered.....	100



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 JUNE 30, 2005

Total Licensed Interns	956
Total Registered Pharmacy Technicians	11,577

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

#1 (Vacant)	#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. Louis City & County South of Hwy. 40	Drug Distributors in St. Louis City & County South of Hwy. 40	Pharmacies & Drug Distributors in St. Louis City & County North of Hwy. 40	Pulaski
						Randolph
						Saline