

OPEN MINUTES
Missouri Board of Pharmacy
Telephone Conference Call
May 21, 2003

The members of the Missouri Board of Pharmacy met by telephone conference call on Wednesday, May 21, 2003, at 2:00 p.m. The meeting was called to order by President Michel.

Board Members Present

Martin H. Michel, R. Ph., President
Elaina Wolzak, R. Ph., Vice-President
Tim Koch, R. Ph., Member
Gary Sobocinski, R. Ph., Member
Anita K. Parran, Public Member

Members Absent

Doug Lang, R. Ph., Member
Barbara Dunning, R. Ph., Member

Staff Present

Kevin E. Kinkade, R. Ph., Executive Director
Tammy Siebert, Compliance Coordinator

Others Present

Ron Smith, Assistant Attorney General
Bert McClary
Susan McCann

#1 Baxter Healthcare Corporation, 13636 Lakefront Drive, Earth City, MO 63045

– The Board reviewed the following:

- Larry Grieshaber's correspondence dated 4/3/03, with attachment.

Kevin Kinkade presented a verbal report. Discussion was held.

Tim Koch made a motion to accept Baxter's list as printed. Motion was seconded by Anita Parran. Motion passed 4:0:0:2 with roll call vote as follows:

Gary Sobocinski – Yes
Doug Lang – Absent

Elaina Wolzak – Yes
Barbara Dunning - Absent

Tim Koch – Yes
Anita Parran – Yes

#2 4 CSR 220-2.300 Record Confidentiality and Disclosure – The Board reviewed the following:

- Current regulation.
- Title 45, Section 160.103.

- Draft of proposed changes to 4 CSR 220-2.300 as reviewed at Retreat.
- Erin L. Darling correspondence dated 4/3/03, with attachment.

Kevin Kinkade presented a verbal report concerning the proposed changes to this rule, and indicated paragraph (2) (H) of the proposed comments should read “45 C.F.R” instead of 42 C.F.R. Ron Smith reported the proposed changes appear to comply with HIPAA requirements. Discussion was held.

Gary Sobocinski suggested that past/present/future in (1) should be changed to “any”.

Elaina Wolzak made a motion to file 4 CSR 220.2.300 as a proposed rule, with the change as noted above. Motion was seconded by Gary Sobocinski. Motion passed 4:0:0:2 with roll call vote as follows:

Gary Sobocinski – Yes	Elaina Wolzak – Yes	Tim Koch – Yes
Doug Lang – Absent	Barbara Dunning - Absent	Anita Parran – Yes

#3 **4 CSR 220-2.010 Pharmacy Standards of Operation** – The Board reviewed the following:

- 4 CSR 220-2.010 as published in Missouri Register March 17, 2003.

Discussion was held.

Tim Koch made a motion to file 4 CSR 220.2.010 as a Final Order of Rulemaking. Motion was seconded by Elaina Wolzak. Motion passed 4:0:0:2 with roll call vote as follows:

Gary Sobocinski – Yes	Elaina Wolzak – Yes	Tim Koch – Yes
Doug Lang – Absent	Barbara Dunning - Absent	Anita Parran – Yes

#4 **4 CSR 220-2.900 Automated Dispensing and Storage Systems** - The Board reviewed the following:

- 4 CSR 220-2.900 as published in Missouri Register March 17, 2003.

Discussion was held.

Elaina Wolzak made a motion to file 4 CSR 220.2.900 as a Final Order of Rulemaking. Motion was seconded by Anita Parran. Motion passed 4:0:0:2 with roll call vote as follows:

Gary Sobocinski – Yes	Elaina Wolzak – Yes	Tim Koch – Yes
Doug Lang – Absent	Barbara Dunning - Absent	Anita Parran – Yes

#5 4 CSR 220-4.010 General Fees – The Board reviewed the following:

- Current regulation.

Kevin Kinkade presented a verbal report concerning fee changes, including Missouri State Highway Patrol fee changes, and the need to reflect these changes in this rule. Discussion was held.

Motion was made by Tim Koch that the Missouri Board of Pharmacy, based upon reasonably available empirical data including an assessment of the effectiveness and costs both to the state and to any private or public person or entity affected, hereby finds that the proposed amendment to 4 CSR 220-4.010 concerning general language concerning fingerprinting fees and name background check fees is necessary to carry out the purposes of Section 338.010, 338.140, 338.210, 338.240, and 338.280, RSMo, authorizing the subject matter of the rule. Seconded by Elaina Wolzak. Motion passed 4:0:0:2 with roll call vote as follows:

**Gary Sobocinski – Yes
Doug Lang – Absent**

**Elaina Wolzak – Yes
Barbara Dunning - Absent**

**Tim Koch – Yes
Anita Parran – Yes**

#6 4 CSR 220-4.020 Miscellaneous Fees – The Board reviewed the following:

- Current regulation.

Kevin Kinkade presented a verbal report concerning the fees listed in this rule at (c) – (g) as outdated and should be deleted from the rule. Discussion was held.

Motion was made by Elaina Wolzak that the Missouri Board of Pharmacy, based upon reasonably available empirical data including an assessment of the effectiveness and costs both to the state and to any private or public person or entity affected, hereby finds that the proposed amendment to 4 CSR 220-4.020 is necessary to carry out the purposes of Section 338.010, 338.140, 338.210, 338.240, and 338.280, RSMo, authorizing the subject matter of the rule. Seconded by Anita Parran. Motion passed 4:0:0:2 with roll call vote as follows:

**Gary Sobocinski – Yes
Doug Lang – Absent**

**Elaina Wolzak – Yes
Barbara Dunning - Absent**

**Tim Koch – Yes
Anita Parran – Yes**

Missouri Pharmaceutical Association Meeting, June 13-15, 2003.

Kevin Kinkade requested the dates Board members were planning to attend the upcoming MPA meeting. Elaina Wolzak reported that she planned to attend Thursday through Sunday, Tim Koch reported that he planned to stay Thursday night only, and Marty Michel indicated that he planned to attend. The Board requested Kevin Kinkade to inquire if MPA would waive his registration fee due to the fact that he is a presenter for the conference.

Motion to Close 2:35 p.m.

Tim Koch made a motion that the Board go into closed session and that all votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021.14 (1), (3), (5), (7), (13) and (14) and under Section 620.010.14 (7). Seconded by Anita Parran. Motion passed 4:0:0:2 with roll call vote as follows:

Gary Sobocinski – Yes
Doug Lang – Absent

Elaina Wolzak – Yes
Barbara Dunning - Absent

Tim Koch – Yes
Anita Parran – Yes

Return to Open 4:04 p.m.

Upon motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session.

Motion to Adjourn 4:05 p.m.

Tim Koch made a motion to adjourn open session, seconded by Elaina Wolzak. Motion passed 4:0:0:2 with roll call vote as follows:

Gary Sobocinski – Yes
Doug Lang – Absent

Elaina Wolzak – Yes
Barbara Dunning - Absent

Tim Koch – Yes
Anita Parran – Yes

KEVIN E. KINKADE, R. PH.
EXECUTIVE DIRECTOR

Approved by Board on _____