

OPEN MINUTES
Missouri Board of Pharmacy
July 9-11, 2003
Lodge of the Four Seasons
State Rte HH
Lake Ozark, MO

The Missouri Board of Pharmacy met in open session during the times and dates stated in the following minutes. To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed at the meeting. The regular meeting was called to order by Vice President Elaina Wolzak at 1:00 p.m. on July 9, 2003.

Board Members Present

Elaina Wolzak, R.Ph., Vice-President
Barbara Dunning, R.Ph., Member
Timothy Koch, R.Ph., Member
Doug Lang, R.Ph., Member
Anita Parran, Public Member
Gary Sobocinski, R.Ph., Member

Board Members Absent

Marty Michel, R.Ph., President

Staff Present

Kevin Kinkade, R. Ph., Executive Director
Tom Glenski, R. Ph., Chief Inspector
Mike Kidd, R. Ph., Inspector
Frank VanFleet, R. Ph., Inspector
Robert Alexander, R. Ph. Inspector
Barbara Wood, R. Ph., Inspector
Sid Werges, R. Ph., Inspector
Tammy Siebert, Staff

Others Present

Ron Smith, Assistant Attorney General

Motion to Close 1:05 p.m.

Anita Parran 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 Doug Lang. Motion passed 5:0:0:1 with roll call vote as follows:

Barbara Dunning – yes
Marty Michel – absent

Doug Lang – yes
Tim Koch – yes

Anita Parran – yes
Gary Sobocinski – yes

Thursday July 10, 2003

Return to Open 1:37 p.m.

Upon motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at approximately 1:37 p.m. on July 10, 2003.

#7 Nicholas G. Igel, #41243

A disciplinary hearing was scheduled for 1:30 p.m. A court reporter was present and the hearing began at 1:50 p.m. Mr. Igel was not present for the hearing, nor was he represented by counsel. The hearing concluded at 1:58 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy

RON SMITH AND THE COURT REPORTER LEFT THE MEETING ROOM

Motion to Close 1:59 p.m.

Doug Lang 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 Gary Sobocinski. Motion passed 5:0:0:1 with roll call vote as follows:

Barbara Dunning – yes
Marty Michel – absent

Doug Lang – yes
Tim Koch – yes

Anita Parran – yes
Gary Sobocinski – yes

Return to Open 3:35 p.m.

Upon motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at approximately 3:35 p.m. on July 10, 2003.

#9 Richard T. Lynch, #42940

A felony disciplinary hearing was scheduled for 3:30 p.m. A court reporter was present and the hearing began at 3:47 p.m. Mr. Lynch was not present for the hearing, nor was he represented by counsel. The hearing concluded at 3:57 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy

Motion to Close 3:57 p.m.

Doug Lang 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 5:0:0:1 with roll call vote as follows:

Barbara Dunning – yes

Doug Lang – yes

Anita Parran – yes

Marty Michel – absent Tim Koch – yes Gary Sobocinski – yes

Return to Open 4:35 p.m.

Upon motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at approximately 4:35 p.m. on July 10, 2003.

#10 Louie A. Ferro, Jr., #40018

A felony disciplinary hearing was scheduled for 4:30 p.m. A court reporter was present and the hearing began at 4:37 p.m. Mr. Ferro was not present for the hearing, nor was he represented by counsel. The hearing concluded at 4:40 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy

Motion to Close 4:41 p.m.

Doug Lang 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 Gary Sobocinski. Motion passed 5:0:0:1 with roll call vote as follows:

**Barbara Dunning – yes Doug Lang – yes Anita Parran – yes
Marty Michel – absent Tim Koch – yes Gary Sobocinski – yes**

Return to Open 6:25 p.m.

Upon motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at approximately 6:25 p.m. on July 10, 2003.

THE OPEN SESSION MEETING RECESSED FOR THE EVENING AT APPROXIMATELY 6:25 PM ON JULY 10, 2003

FRIDAY, JULY 11, 2003

The Board reconvened in open session at 8:35 a.m. on July 11, 2003. All board members, staff, and others were present as previously noted, except Mike Kidd, Robert Alexander, and Frank Van Fleet.

#1 Approval of Minutes

The Board reviewed printed minutes from the May 21, 2003 Conference Call meeting. **Tim Koch made a motion to approve the minutes as printed. Seconded by Gary Sobocinski. Motion passed 5:0:0:1 with roll call vote as follows:**

**Barbara Dunning – yes Doug Lang – yes Anita Parran – yes
Marty Michel – absent Tim Koch – yes Gary Sobocinski – yes**

#2 Agenda Additions/Corrections

Kevin Kinkade reported on additions/corrections to the open agenda.

#3 **Board Member Report** – Doug Lang reported on his attendance at meetings of the Missouri Society of Hospital Pharmacists, NABP, and MSHP Strategic Planning.

Tim Koch reported on his attendance at the Missouri Pharmacy Association meeting in June.

#4 **Board Member Update to phone, address, e-mail, fax #**

Tim Koch reported that he will be accepting a district manager position with Wal-Mart and will be moving in the late fall or early winter to the Kirksville MO area.

#5 **General Administration Report:** - Kevin Kinkade presented a verbal report on the following items:

a) Budget for FY 2004

Discussion was held. **Motion was made by Gary Sobocinski and seconded by Doug Lang to approve the FY 2004 budget as printed. Motion passed 5:0:0:1 with roll call vote as follows:**

Barbara Dunning – yes	Doug Lang – yes	Anita Parran – yes
Marty Michel – absent	Tim Koch – yes	Gary Sobocinski – yes

b) Proposed Budget Requests for FY 2005

Discussion was held. **Motion was made by Doug Lang and seconded by Tim Koch to resubmit all FY 2004 budget items for FY 2005. Motion passed 5:0:0:1 with roll call vote as follows:**

Barbara Dunning – yes	Doug Lang – yes	Anita Parran – yes
Marty Michel – absent	Tim Koch – yes	Gary Sobocinski – yes

c) Office Personnel – Two new members have joined the office staff. The four to five month training process for these new staff members will slow workload processes for the next two to three months.

d) Procurement of New Services for FY 2004 – Letters have been sent to several law firms requesting bids for the services of an outside counsel to the Board.

e) Presentation of Award – Kevin Kinkade presented Tammy Siebert with a pin in honor of her ten years of service to the Missouri Board of Pharmacy.

#6 **Election of Officers**

a) President – **Gary Sobocinski nominated Doug Lang. Barbara Dunning nominated Elaina Wolzak. Nominations ceased. By ballot vote, both nominees received three (3) votes. It was the consensus of the Board to discontinue the election process until the next Board meeting when seven board members are present.**

#11 **4 CSR 220-5.030 Definitions and Standards for Drug Wholesale and Pharmacy Distributors** – Discussion was held. Motion was made by Doug Lang and seconded by Tim Koch to approve the proposed amendment to the rule as written with the following revisions:

- Change ‘initiated’ to ‘monitored’
- Delete the words ‘or by a vendor licensed with the State of Missouri’
- Change ‘(paper)’ to ‘constructive’

Motion passed 5:0:0:1 with roll call vote as follows:

Barbara Dunning – yes	Doug Lang – yes	Anita Parran – yes
Marty Michel – absent	Tim Koch – yes	Gary Sobocinski – yes

#12 **Freeman Hospital and Health System, 1102 West 32nd Street, Joplin, MO**
Discussion was held. Motion was made by Gary Sobocinski and seconded by Tim Koch to approve this Intern Training Pharmacy Application - Special Site for 750 hours. Motion passed 5:0:0:1 with roll call vote as follows:

Barbara Dunning – yes	Doug Lang – yes	Anita Parran – yes
Marty Michel – absent	Tim Koch – yes	Gary Sobocinski – yes

#13 **Proposed Legislation for 2004 Session**

Kevin Kinkade presented a verbal report. Discussion was held. Motion was made by Doug Lang and seconded by Tim Koch to pursue the proposal as written with the following amendments:

- 338.013.3 – Change ‘However, if’ to ‘When’. Change ‘must to ‘shall’.
- 338.055.4 – Delete paragraphs 4-7
- 338.065 – Discussion was held and no change was made.
- 338.390 – pursue as amended.

Motion passed 5:0:0:1 with roll call vote as follows:

Barbara Dunning – yes	Doug Lang – yes	Anita Parran – yes
Marty Michel – absent	Tim Koch – yes	Gary Sobocinski – yes

The Board reviewed the following items in Section E that did not require individual discussion or action:

#14 **ACPE’s Definition of Continuing Education for the Profession of Pharmacy, with attached Guidelines.**

#15 **DEA’s Harold Rogers Prescription Drug Monitoring Program.**

#16 **The Manitoba Pharmaceutical Association letter dated 4/19/03.**

#18 **Outside Counsel Proposal letter.**

#19 **Wilmon Smithee correspondence dated 4/15/03.**

#20H **2003 Strategic Plan**

#21H **Motion Language for Rules/Amendments**

#17 **NABP Constitution and Bylaws/Resolutions updates** – Discussion was held. It was the consensus of the Board for the proposed resolutions to be provided to Board members for review prior to the NABP Annual Meeting. They are to submit written responses to the Board office, which will be compiled and distributed to the Board members attending the NABP Annual Meeting.

Motion to Adjourn

At 10:07 a.m. Gary Sobocinski made a motion to adjourn the meeting, seconded by Doug Lang. Motion passed 5:0:0:1 with roll call vote as follows:

**Barbara Dunning – yes
Marty Michel – absent**

**Doug Lang – yes
Tim Koch – no**

**Anita Parran – yes
Gary Sobocinski – yes**

KEVIN E. KINKADE, R. Ph.
EXECUTIVE DIRECTOR

DATE APPROVED: _____