

**OPEN MINUTES**  
**Missouri Board of Pharmacy**  
**September 10-12, 2003**  
**Tan-Tar-A Resort**  
**Osage Beach, 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 President Marty Michel at 11:10 a.m. on September 10, 2003.

**Board Members Present**

Marty Michel, R.Ph., President  
Elaina Wolzak, R.Ph., Vice-President  
Doug Lang, R.Ph., Member  
Gary Sobocinski, R.Ph., Member

**Board Members Absent**

Barbara Dunning, R.Ph., Member  
Timothy Koch, R.Ph., Member  
Anita Parran, Public Member

**Staff Present**

Kevin Kinkade, R. Ph., Executive Director  
Tom Glenski, R. Ph., Chief Inspector  
Mike Kidd, R. Ph., Inspector  
Sid Werges, R. Ph., Inspector  
Barbara Wood, R. Ph., Inspector  
Frank Van Fleet, R. Ph., Inspector

**Others Present**

Ron Smith, Assistant Attorney General

**Wednesday September 10, 2003**

**Motion to Close 11:11 a.m.**

**Gary Sobocinski 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 4:0:0:0 with roll call vote as follows:**

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

**Doug Lang – yes**  
**Tim Koch – absent**

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

**Thursday September 11, 2003**

**Return to Open 2:37 p.m.**

Upon motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at approximately 2:37 p.m. on September 11, 2003.

**#6 Bruce S. Greenwald, #40550**

A disciplinary hearing was scheduled for 2:30 p.m. A court reporter was present and the hearing began at 2:55 p.m. Mr. Greenwald was not present for the hearing, nor was he represented by counsel. The hearing concluded at 3:07 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy

**#7 Donald Scott Martin, #41602**

A violation of discipline hearing was scheduled for 3:30 p.m. A court reporter was present and the hearing began at 3:18 p.m. Mr. Martin was present for the hearing and was not represented by counsel. The hearing concluded at 3:37 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy

**Motion to Close 3:38 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 Tim Koch. Motion passed 6:0:0:0 with roll call vote as follows:**

<b>Barbara Dunning – yes</b>	<b>Doug Lang – yes</b>	<b>Anita Parran – yes</b>
<b>Elaina Wolzak – yes</b>	<b>Tim Koch – yes</b>	<b>Gary Sobocinski – yes</b>

**Return to Open 4:15 p.m.**

Upon motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at approximately 4:15 p.m. on September 11, 2003.

**#8 Louie A. Ferro, Jr., #40018 (expired 10/31/02)**

A felony disciplinary hearing was scheduled for 4:30 p.m. A court reporter was present and the hearing began at 4:34 p.m. Mr. Ferro was not present for the hearing, nor was he represented by counsel. The hearing concluded at 4:45 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy

**Motion to Close 4:46 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 6:0:0:0 with roll call vote as follows:**

**Barbara Dunning – yes  
Elaina Wolzak – yes**

**Doug Lang – yes  
Tim Koch – yes**

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

**Return to Open 6:05 p.m.**

Upon motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at approximately 6:05 p.m. on September 11, 2003.

**Recess Open 6:05 p.m.**

**Motion was made by Doug Lang and seconded by Elaina Wolzak to recess the open session meeting for the evening. Motion passed 6:0:0:0 with roll call vote as follows:**

**Barbara Dunning – yes  
Elaina Wolzak – yes**

**Doug Lang – yes  
Tim Koch – yes**

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

**FRIDAY, SEPTEMBER 12, 2003**

The Board reconvened in open session at 8:31 a.m. on September 12, 2003. All board members, staff, and others were present as previously reported.

**#1 Agenda Additions/Corrections**

Kevin Kinkade reported on various additions and corrections to the printed agenda.

**#2 Board Member Report**

Elaina Wolzak reported on her attendance at the National Association of Chain Drug Stores (NACDS) meeting in Philadelphia, Pennsylvania.

Anita Parran reported on her attendance at the Citizens Advocacy Council meeting in San Francisco, California.

Kevin Kinkade presented a report on the NACDS meeting.

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

Tim Koch asked that Board staff utilize his cell phone rather than business or home phone as a personal contact medium.

**#4 General Administration Report:**

a) Final Budget Review – Kevin Kinkade presented a final review of the FY03 budget.

b) Office Staff – Kevin Kinkade presented a report on the current staffing situation in the Board office.

c) Cost Allocation – Kevin Kinkade presented his concerns about the new cost allocation transfer and asked Board members to review the handout on this issue.

d) District 6 Meeting – Kevin Kinkade presented a review of the planning for the NABP District 6 meeting and made suggestions for Board items to be included on the agenda including re-importation, sterile repackers, drug pedigrees, and return and reuse issue.

e) Retirement Reception – Kevin Kinkade reviewed the plans for the upcoming retirement reception for Sharon Roberts.

f) Executive Order: Small Business Impact – Kevin Kinkade reviewed the handout which had been provided for Board members on this item.

g) Medicaid/DHSS Meeting – Kevin Kinkade presented a report on meetings with George Oestrich involving long term care facilities and drug return and reuse.

h) NABP Meetings in Washington with Congressional Contacts – Kevin Kinkade reviewed the schedule of meetings. He then reviewed handout listing topics for the meetings including compounding, importation, and proposed changes to language.

i) Presentation of Award – Kevin Kinkade presented Gary Sobocinski a plaque in honor of his five years of service to the Missouri Board of Pharmacy.

#9 **OPEN FORUM - Mandatory Live CE** – No public comments were received on this issue. Discussion was held. It was the consensus of the Board to continue this as a topic and that Board staff should gather information as to procedures being followed by other states on the issue.

#10 **Board's Position Statement** – The Board discussed AARP's position statement on Prescription Drug Re-importation for purposes of considering formulating a Board of Pharmacy position statement concerning this issue.

#11 **Return and Reuse of Medications** – Kevin Kinkade presented a verbal report on the background of this issue. The Board discussed correspondence dated 7/18/03 from F. Gail Bormel of U.S. Pharmacopeia concerning our request for information regarding the issue of return and reuse of medications. It was the consensus of the Board to:



- Follow the FDA's guidelines for considering an FDA registered repacker to be equivalent to manufacturer's original packaging
- Allow the return and reuse of medications in their original, unopened packaging
- Grant approval on new packaging systems

The Board requested that staff prepare proposed language to allow the above items for return and reuse.



**#15 KV Pharmaceutical Company, 2503 South Hanley, St. Louis, MO 63144 (Probation 4/10/01 to 4/9/04) -** The Board reviewed an Intern Training Pharmacy Application for Special Site approval. Kevin Kinkade presented a verbal report. **Gary Sobocinski made a motion to deny but advise them to reapply after the end of their probation. Seconded by Barbara Dunning. Motion passed 6:0:0:0 with roll call vote as follows:**

<b>Barbara Dunning – yes</b>	<b>Doug Lang – yes</b>	<b>Anita Parran – yes</b>
<b>Elaina Wolzak – yes</b>	<b>Tim Koch – yes</b>	<b>Gary Sobocinski – yes</b>

**#16 Paul G. Perniciaro, R.Ph., 2209 Sycamore Drive, Chesterfield, MO 63017 –** The Board reviewed an Intern Training Pharmacy Application for Special Site approval from Paul Perniciaro. Kevin Kinkade presented a verbal report. **Tim Koch made a motion to approve this facility for 750 hours. Motion died for lack of a second.**

**Motion was made by Elaina Wolzak and seconded by Doug Lang to approve this facility for 500 hours. Motion passed 6:0:0:0 with roll call vote as follows:**

<b>Barbara Dunning – yes</b>	<b>Doug Lang – yes</b>	<b>Anita Parran – yes</b>
<b>Elaina Wolzak – yes</b>	<b>Tim Koch – yes</b>	<b>Gary Sobocinski – yes</b>

**#17 Lebanese Licensure Requirements - Reciprocity –** Kevin Kinkade presented a verbal report. **Motion was made by Barbara Dunning and seconded by Doug Lang to approve request to recognize Lebanese pharmacist licenses for reciprocity applications since Lebanon has agreed to recognize Missouri licenses for reciprocity. Motion passed 6:0:0:0 with roll call vote as follows:**

<b>Barbara Dunning – yes</b>	<b>Doug Lang – yes</b>	<b>Anita Parran – yes</b>
<b>Elaina Wolzak – yes</b>	<b>Tim Koch – yes</b>	<b>Gary Sobocinski – yes</b>

**#14 4 CSR 220-5.020 Drug Distributor Licensing Requirements –** Discussion of this issue was tabled for discussion in closed session meeting.

**#5 Election of Officers –** Discussion was held. It was the consensus of the Board that if the president of the board leaves that position during a year of elected service, the vice-president shall assume the presidency until an election can be held at the meeting following the departure of the president. It was the consensus of the Board to allow the president to vote.

- a) President – **Gary Sobocinski nominated Elaina Wolzak. Tim Koch nominated Doug Lang. By ballot, Elaina Wolzak was elected as president.**

- b) Vice President – **Gary Sobocinski** nominated **Doug Lang**. There were no other nominations. **Doug Lang** was elected as vice president by consensus.

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

#12 **2003 Strategic Plan** - Enclosed is a revised 2003 Strategic Plan

#13 **Motion Language for Rules/Amendments**

#18 **Canadian Drug Issue**

#19 **Exemption for Fee Funds on Personnel**

**Motion to Close 11:10 a.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 **Elaina Wolzak**. Motion passed 6:0:0:0 with roll call vote as follows:

**Barbara Dunning – yes**  
**Elaina Wolzak – yes**

**Doug Lang – yes**  
**Tim Koch – yes**

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

**Return to Open 11:20 a.m.**

Upon motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at approximately 11:20 a.m. on September 12, 2003.

#14 **4 CSR 220-5.020 (1) Drug Distributor Licensing Requirements**

Discussion was held. Motion was made by **Gary Sobocinski** and seconded by **Doug Lang** to change the language in this section of the rule as follows:

- Beginning with sentence #3, delete the remainder of this section and replace with “Knowledge of the licensure status of a drug distributor or pharmacy includes, but is not limited to, actual or constructive knowledge. Knowledge of the licensure status of a drug distributor or pharmacy also shall include, but is not limited to, notification from the Board by mail or electronic transmission.”

Motion passed 6:0:0:0 with roll call vote as follows:

**Barbara Dunning – yes**  
**Elaina Wolzak – yes**

**Doug Lang – yes**  
**Tim Koch – yes**

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

**Motion to Adjourn 11:40 p.m.**

**At 11:40 p.m. Doug Lang made a motion to adjourn the September 2003 meeting, seconded by Elaina Wolzak. Motion passed 6:0:0:0 with roll call vote as follows:**

**Barbara Dunning – yes  
Elaina Wolzak – yes**

**Doug Lang – yes  
Tim Koch – yes**

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

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KEVIN E. KINKADE, R. Ph.  
EXECUTIVE DIRECTOR

DATE APPROVED: \_\_\_\_\_