

OPEN MINUTES
Missouri Board of Pharmacy
April 7-9, 2004
Holiday Inn Select
Columbia, 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 Wolzak at 12:03 p.m. on April 7, 2004.

Board Members Present

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

Staff Present

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

Others Present

Ron Smith, Assistant Attorney General
Susan McCann, BNDD

MOTION TO OPEN 12:03 p.m.

Anita Parran made a motion that the Board go into open session. Seconded by Pam Marshall. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Barbara Dunning – yes
Doug Lang – yes

Tim Koch - absent
Anita Parran – yes

Board President Elaina Wolzak presented a verbal report on her attendance at the MPA Legislative Day on April 6, 2004.

TIM KOCH ENTERED THE MEETING ROOM AT 12:07 PM.

MOTION TO CLOSE 12:07 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:

Gary Sobocinski – yes
Pam Marshall – yes

Barbara Dunning – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 4:54 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session.

RECESS OPEN 5:00 PM

Tim Koch made a motion to 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 6:0:0:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Barbara Dunning – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 5:12 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session.

#5 Prescriptions By Mail, #2000171993 (Expired 10/31/03)

A disciplinary hearing was scheduled for 4:00 p.m. A court reporter was present and the hearing began at 5:12 p.m. Prescriptions By Mail was represented by Michael Kearney. The Board was represented by AG Dan McPherson. The hearing concluded at 5:25 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy

THE PARTIES LEFT THE MEETING ROOM AT 5:25 PM

RECESS OPEN 5:25 PM

Doug Lang made a motion to recess open and 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 Pam Marshall. Motion passed 6:0:0:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Barbara Dunning – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

APRIL 8, 2004

RETURN TO OPEN 3:00 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session.

#10 **Valjean Vanwinkle, #41140, 15222 W. 139th Terrace, Olathe, KS 66062 (VanFleet)** - The Board reviewed the following documents:

- Inspector VanFleet's Investigation Report dated 7/3/03, with exhibits
- Inspector VanFleet's Investigation Report dated 4/23/03, with exhibits
- DEA Loss Reported received 1/16/03
- BNDD Loss Report
- Felony Conviction Complaint received 3/22/04
- Notice of Felony Disciplinary Hearing dated 3/25/04

A felony hearing was scheduled for 3:00 p.m. A court reporter was present and the hearing began at 3:08 p.m. Valjean Vanwinkle was present and was not represented by counsel. The Board was represented by Rob Angstead. The hearing concluded at 3:26 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

THE PARTIES LEFT THE MEETING ROOM AT 3:26 PM

#11 **Proposal for Rule Change:**

- a) 4CSR 220-2.030: Educational and Licensing Requirements – Intern training program revisions.
- b) Questions/Statements shared with schools of pharmacies.

Kevin Kinkade presented a verbal report on proposed legislation and discussion with Senator Shields. Discussion was held.

RECESS OPEN 3:45 PM

Tim Koch made a motion to recess open and 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:

Gary Sobocinski – yes
Pam Marshall – yes

Barbara Dunning – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 4:45 PM

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

#2 **Board Member Report** – Doug Lang and Kevin Kinkade reported on their attendance at the MSHP Annual Meeting.

#3 **Board Member Update to phone, address, e-mail, fax #** - There were no updates to report.

#4 **General Administration Report:**

- a) Retreat planning – Discussion was held regarding the location for the 2005 retreat meeting and the division's scrutiny of retreat expenses.
- b) Online renewals - Kevin Kinkade reported that the Division was currently making a trial run on this project, but that online renewals for pharmacist licensees may not be available for the upcoming renewal period.
- c) Expense issues and CONUS - Kevin Kinkade reviewed the rules regarding CONUS limitations on expense report claims.
- d) HB 600 - Kevin Kinkade reviewed the plans for suspension or revocation of licenses for those persons who were delinquent in payment of state income taxes or who had failed to file tax returns.
- e) Legislative Update – Kevin Kinkade presented a verbal report.
- f) Automated Agenda - Kevin Kinkade presented an update on the status of plans for a paperless agenda. The current plan is to mail agenda CD's on June 24, 2004 for the July Board meeting. Elaina Wolzak and Tim Koch will need laptop computers from the Division.
- g) Prescription Drug Reimportation Task Force - Kevin Kinkade presented a verbal report concerning notice from NABP of a request from FDA and

DHHS for written comments on this subject. It was the consensus of the Board to cover the following points in our response letter:

- Patient safety
- Oversight
- Counterfeiting
- Diversion
- HIPPA

h) Collaborative Practice Task Force - Kevin Kinkade presented a verbal report. A conference call is scheduled for May 8, 2004 and was requested by the Board of Nursing concerning geographic issues.

#12 Proposed 2004 Strategic Plan – Motion was made by Gary Sobocinski and seconded by Doug Lang to approve the plan as written. Motion passed 6:0:0:0 with roll call vote as follows:

**Gary Sobocinski – yes
Pam Marshall – yes**

**Barbara Dunning – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

#13 Mallinkrodt, Inc, 675 McDonnell Blvd., Hazelwood, MO 63042 - Intern Training Pharmacy Application Special Site

Discussion was held. **Motion was made by Doug Lang and seconded by Gary Sobocinski to approve this site for 500 hours. Motion passed 6:0:0:0 with roll call vote as follows:**

**Gary Sobocinski – yes
Pam Marshall – yes**

**Barbara Dunning – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

#14 Mallinkrodt, Inc, 1827 Beltway Drive, St. Louis, MO 63114 - Intern Training Pharmacy Application Special Site

Discussion was held. **Motion was made by Doug Lang and seconded by Gary Sobocinski to approve this site for 500 hours. Motion passed 6:0:0:0 with roll call vote as follows:**

**Gary Sobocinski – yes
Pam Marshall – yes**

**Barbara Dunning – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

#15 Pharmacy Buying Association d/b/a True Care Pharmacies, 1575 N. Universal Av #100, Kansas City MO 64120 - Intern Training Pharmacy Application Special Site

Discussion was held. **Motion was made by Tim Koch and seconded by Doug Lang to approve this site for 500 hours. Motion passed 6:0:0:0 with roll call vote as follows:**

**Gary Sobocinski – yes
Pam Marshall – yes**

**Barbara Dunning – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

#16 Veterans Affairs Medical Center, #2 Jefferson Barracks Dr, St. Louis, MO 63125 - Intern Training Pharmacy Application Special Site

Discussion was held. **Motion was made by Doug Lang and seconded by Gary Sobocinski to approve this site for 500 hours. Motion passed 6:0:0:0 with roll call vote as follows:**

**Gary Sobocinski – yes
Pam Marshall – yes**

**Barbara Dunning – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

#22H Proposal for Rule Amendment: Definition of Open Premises

Discussion was held. **Motion was made by Doug Lang and seconded by Gary Sobocinski to accept the proposal as written with the addition of the following:**

- **“But not limited to locked or otherwise secured storage area”**

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

**Gary Sobocinski – yes
Pam Marshall – yes**

**Barbara Dunning – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

RECESS 6:30 PM

Motion was made by Doug Lang and seconded by Gary Sobocinski to recess for the evening at approximately 6:30 p.m. Motion passed 6:0:0:0 with roll call vote as follows:

**Gary Sobocinski – yes
Pam Marshall – yes**

**Barbara Dunning – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

APRIL 9, 2004 RECONVENE OPEN SESSION 8:30 AM

The board reconvened in open session meeting at 8:30 a.m. on April 9, 2004.

NOTE: BOARD MEMBER ANITA PARRAN WAS NOT PRESENT

#19H **Draft – 3/24/04**

**Title 19 Dept of Health and Senior Services
Division 30 – Division of Health Standards and Licensure
Chapter 5 – Drug Repository Program**

Susan McCann of BNDD presented a verbal report on this proposed legislation.
Discussion was held.

NOTE: ANITA PARRAN ENTERED THE MEETING ROOM AT 9:20 AM

#20H **Proposed Amendments Reviewed by DD Advisory Committee 4 CSR 220-5.020 and 5.030**

Kevin Kinkade presented a verbal report. Discussion was held.

Motion was made by Doug Lang and seconded by Gary Sobocinski to substitute option #1 for section (O) of 5.030 with the following changes:

- Delete the words “residential facility”
- Delete the last sentence in the paragraph

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

**Gary Sobocinski – yes
Pam Marshall – yes**

**Barbara Dunning – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

It was the consensus of the Board to add “LLC” to 4 CSR 220-5.020.

#21H **Medicaid Issues: George Oestreich Pharm.D. – No documents enclosed**

Mr. Oestreich presented a verbal report on:

- Concerns over repository statute issue
- Return and reuse issue
- Enforcement issues
- Non-professional billing issue
- Incorrect billing of NDC numbers
- Incorrect DEA and provider number submission
- Disease state management

MOTION TO CLOSE 9:45 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 Gary Sobocinski. Motion passed 6:0:0:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Barbara Dunning – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 10:00 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 10:00 a.m.

#11 Proposal for Rule Change: 4CSR 220-2.030: Educational and Licensing

NOTE: DEAN KENNETH KIRK AND DEAN ROBERT PIEPHO OF THE TWO MISSOURI PHARMACY SCHOOLS ENTERED THE MEETING ROOM AT 10:26 AM

Dean Kirk gave a summary of St. Louis College of Pharmacy's view on the proposal. Dean Piepho gave a summary of the UMKC College of Pharmacy's view.

Discussion was held. It was the consensus of the Board to request policy and procedure, examples of documents used, and competencies from each school. The executive director is to schedule meetings with the deans prior to the July meeting.

Legislation

Discussion was held with Ron Fitzwater of MPA concerning proposed embargo language. Mr. Fitzwater will present the proposed language to the MPA Board.

THE FOLLOWING ITEMS WERE REVIEWED IN SECTION E WITH NO PARTICULAR ACTION OR DISCUSSION.

#17 Revised 2003 Strategic Plan

#18 Motion Language for Rules/Amendments

MOTION TO ADJOURN 11:30 AM

At approximately 11:30 a.m., Doug Lang made a motion to adjourn the April 2004 meeting, seconded by Tim Koch. Motion passed 6:0:0:0.

**Gary Sobocinski – yes
Pam Marshall – yes**

**Barbara Dunning – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

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

DATE APPROVED _____