

OPEN MINUTES
Missouri Board of Pharmacy
July 7-9, 2004
Holiday Inn Select
Columbia, MO

The Missouri Board of Pharmacy met in closed 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 3:04 p.m. on July 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
Melissa Graham, R.Ph., Member
Tim Koch, R. Ph, Member

Staff Present

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

Others Present

Ron Smith, AG
Susan McCann, BNDD
Ken Kirk, St. Louis College of Pharmacy
Mary Euler, UMKC College of Pharmacy

MOTION TO CLOSE 3:04 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 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

THURSDAY, JULY 8, 2004

RETURN TO OPEN 1:40 PM

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

NOTE: THE FOLLOWING ITEM DID NOT APPEAR IN PAM MARSHALL'S AGENDA AND SHE LEFT THE ROOM DURING ITS DISCUSSION.

#6 **Aaron Roberts, #44313, 1140 Westleigh Terrace, Manchester, MO 63021, #2003-000140** – The Board reviewed the following documents:

- Notice of Felony Disciplinary Hearing issued 6/16/04
- Complaint filed 6/2/04

A felony discipline hearing was scheduled at 1:30 p.m.; a court reporter was present. At 1:46 p.m., neither Mr. Roberts nor his counsel was present. The hearing was adjourned at 1:57 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy. At 2:05 p.m. Mr. Roberts and his counsel still were not present.

MOTION TO CLOSE 2:05 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 6:0:0:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – absent

Barbara Dunning - yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 4:40 PM

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

#1 **Agenda Additions/Corrections – No enclosures**

Kevin Kinkade reported concerning the release of the Governor's Report on Patient Safety.

#2 **Board Member Report**

Doug Lang reported on his attendance the ASHP Meeting.

Tim Koch reported on his attendance the MPA Meeting in June 2004.

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

New Email for Tim Koch: trkoch@cableone.net

#4 **General Administration Report:**

- A) Tom Glenski presented the inspectors' view on the self-inspection process for pharmacies. It was the consensus of the Board not to proceed with the idea and to use the inspectors' idea of providing handouts.
- B) Proposal for Legislation – Discussion was held. Drafts will be requested by the Governor's office in the coming months.
- C) Proposal for Budget Items: Kevin Kinkade provided a summary concerning:
- Increasing Respiratory Care position in the office to FTE
 - Add one FTE to pharmacy staff to replace Tammy Siebert's previous position.
 - If contract inspector attempt fails for third time, ask to convert money to full time.

Discussion was held. **Motion was made by Doug Lang and seconded by Tim Koch to approve the FY2006 budget priority items. 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**

- D) CE Requirement Review – Discussion was held. Item #15 E is the result of Kevin Kinkade's research of other states' requirements. It was the consensus of the Board to take no further action.
- F) Proposed Dates from MPA – It was the consensus of the Board for MPA to meet with the Board on Friday during the open meetings.

Recess

The Board recessed for the evening at 6:09 p.m., July 8, 2004

JULY 9, 2004

Reconvene

The Board reconvened in open session at 8:33 a.m. on July 9, 2004

#4 **General Administration Report: (continued)**

- E) Score Transfer from California – Kevin Kinkade provided a summary regarding a letter received from NABP concerning score transfer vs. reciprocity.

Discussion was held. **Motion was made by Tim Koch and seconded by Doug Lang to accept California reciprocity applicants as we do for any other state. 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**

G) Inspection Survey – Kevin Kinkade presented a summary of using Zoomerang to conduct the survey for pharmacy inspections. It was the consensus of the Board to move forward with this process.

H) New Inspector – Kevin Kinkade provided information on the new inspector.

#18 Election of Officers

Gary Sobocinski nominated Doug Lang for president. By acclamation, Doug Lang is president. Gary Sobocinski nominated Tim Koch for vice-president. By acclamation, Tim Koch is vice-president.

#7 Intern Training Pharmacy Application Special Site - Harry S. Truman Memorial Veterans Hospital, 800 Hospital Drive, Columbia MO 65201

Motion was made by Doug Lang and seconded by Gary Sobocinski to approve the special site application for five hundred (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**

#8 Missouri Pharmacy Practice Act Outline for Revisions and Prioritization Strategic Plan of the Board of Pharmacy – Draft

Discussion was held. It was the consensus of the Board to move the terrorism section to priority “High”; to change the negative formulary section to state “eliminate the need for a negative formulary” and move it to a high priority status; and to send all high priority items to the Governor.

#9 4 CSR 220-2.020 Pharmacy Permits – Addition of Class K – Kevin Kinkade presented a verbal report.

Discussion was held. **Motion was made by Gary Sobocinski to make changes to the amendments. Motion was withdrawn.**

MOTION TO CLOSE 10:00 AM

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:

Gary Sobocinski – yes	Barbara Dunning - yes	Tim Koch - yes
Pam Marshall – yes	Doug Lang – yes	Anita Parran – yes

RETURN TO OPEN 10:10 AM

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

#9 4 CSR 220-2.020 Pharmacy Permits – Addition of Class K (continued)

Additional discussion was held. Motion was made by Gary Sobocinski and seconded by Doug Lang to approve amendments as listed in agenda material with the following changes:

- Class D: ...which comprises five (5) percent or more of the annual prescription volume of the pharmacy.
- Class K: ...poisons for any prescriptions originating from the internet. A prescription...who has performed a sufficient... The use of a form, questionnaire and/or telephone interview to fulfill the....

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

Gary Sobocinski – yes	Barbara Dunning - yes	Tim Koch - yes
Pam Marshall – yes	Doug Lang – yes	Anita Parran – yes

#10 4 CSR 220-2.030 Educational and Licensing Requirements Proposed Amendments

Discussion was held. Ken Kirk of St. Louis College of Pharmacy and Mary Euler of University of Missouri-Kansas City were present.

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 220-2.030, with the follow revisions

- In new section 4 remove first sentence, “The minimum...as a pharmacist.”, and
- Remove all of new section 3

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 Doug Lang. Motion carried 6:0:0:0 with roll call vote as follows:

Gary Sobocinski – yes	Barbara Dunning - yes	Tim Koch - yes
Pam Marshall – yes	Doug Lang – yes	Anita Parran – yes

#12 Title 19 – Department of Health and Senior Services: Division 30 – Division of Health Standards and Licensure – Chapter 5 – Drug Repository Program

Discussion was held. Susan McCann and Bert McClary from Department of Health and Senior Services were present. Suggestions were made by the Board for changes to the proposed rules. Ms. McCann will have revised language for the Board to review by August 1, 2004.

#11 Drug Distributor Model Act Excerpts for Consideration as Amendments

This matter was tabled for discussion at a future meeting.

THE BOARD REVIEWED THE FOLLOWING ITEMS FROM SECTION E THAT DID NOT REQUIRE INDIVIDUAL DISCUSSION OR ACTION.

#13 Board of Pharmacy Report To the Governors Patient Safety Commission Regarding Public Safety Issues, May 19, 2004

#14 Strategic Plan for 2004

#15 Amount of Continuing Education

#16 Letter from NABP regarding Prescription Drug Importation: Requests for Public Comment (Docket No. 2004N-0115)

#17 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 July 2004 meeting, seconded by Tim Koch. Motion passed 6:0:0:0.

Gary Sobocinski - yes
Pam Marshall - yes

Melissa Graham – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

KEVIN E. KINKADE, R. PH.
EXECUTIVE DIRECTOR

Date Approved