

**OPEN MINUTES**  
**Missouri Board of Pharmacy**  
**Telephone Conference Call**  
**August 20, 2004**

The Missouri Board of Pharmacy met via telephone conference call 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 meeting was called to order by President Lang at 9:00 a.m. on August 20, 2004.

**Board Members Present**

Doug Lang, R. Ph., President  
Tim Koch, R. Ph., Vice-President  
Elaina Wolzak, R.Ph., Member  
Melissa Graham, R.Ph., Member  
Anita Parran, R. Ph., Public Member

**Board Members Absent**

Pam Marshall, R.Ph., Member  
Gary Sobocinski, R.Ph., Member

**Staff Present**

Kevin E. Kinkade, R.Ph., Executive Director

**Others Present:**

Ronald Smith, Assistant Attorney General  
Jane Rackers, Assistant Attorney General  
DeeDee Bedowsky, Missouri Pharmacy Association

**Motion to Close**

**Motion was made by Anita Parran and seconded by Elaina Wolzak to go into closed session meeting at 9:02 a.m. Motion passed 4:0:0:2, with roll call vote as follows:**

**Elaina Wolzak - yes**  
**Anita Parran - yes**

**Tim Koch - yes**  
**Melissa Graham – yes**

**Gary Sobocinski - absent**  
**Pam Marshall - absent**

**Return to Open**

At approximately 10:35 a.m., upon motion duly made, seconded, passed, and recorded in closed session minutes, the Board returned to open session.

NOTE: DEEDEE BEDOWSKY WAS PRESENT IN THE DIVISION OF PROFESSIONAL REGISTRATION'S EXECUTIVE CONFERENCE ROOM FOR THE CONFERENCE CALL.

**#1 19 CSR 20-50.005 Prescription Drug Repository Program** – The Board reviewed the following:

- BNDD's 7/26/04 draft of proposed changes to 19 CSR 20-50.005.

Discussion was held, with minor changes recommended. **Elaina Wolzak made a motion to approve the proposed rule, as amended. Motion was seconded by Anita Parran. Motion passed 4:0:0:2 with roll call vote as follows:**

**Elaina Wolzak - yes  
Anita Parran - yes**

**Tim Koch - yes  
Melissa Graham – yes**

**Gary Sobocinski - absent  
Pam Marshall - absent**

**#2 4 CSR 220-3.040 Return and Reuse** – The proposed rule was reviewed for consideration for final order of rulemaking. The Board reviewed one comment received from Daniel Keeney of GlasoSmithKline dated 7/15/04.

Discussion was held. Mr. Keeney's first comment pertained to Medicaid double dipping due to present rebate system used by manufacturers with Medicaid vs. Medicaid not receiving credit for returned patient medications. It was the Board's consensus that this was a Medicaid issue, and if there are concerns, they should be taken up by the manufacturers with Medicaid. The second comment pertained to immunity for manufacturers when their drugs are repackaged and reused since they have no control concerning quality assurance. It was the Board's determination that only statutes can provide immunity to persons or entities, and regulations cannot be used for this purpose. The third comment pertained to the viability of meds returned and reused without tamper resistant seals. It was the Board's consensus that they disagreed with this comment noting that the USP recognizes this type of packaging as safe and effective and the Board did not want to prohibit future packaging innovations that would likely be made available through technology in years to come.

**Elaina Wolzak made a motion to accept this rule for final order of rulemaking, as presently proposed with no changes. Motion was seconded by Tim Koch. Motion passed 4:0:0:2 with roll call vote as follows:**

**Elaina Wolzak - yes**  
**Anita Parran - yes**

**Tim Koch - yes**  
**Melissa Graham – yes**

**Gary Sobocinski - absent**  
**Pam Marshall - absent**

NOTE: ELAINA WOLZAK LEFT THE CONFERENCE CALL.

#3 **Subpoena Authority** – Kevin Kinkade reported on the proposed process for getting email votes from Board members regarding issuance of a subpoena. It was the Board’s consensus to approve the procedures; i.e., email ballot meeting notice will be posted at least 24 hours prior to the email being sent; the subpoena request will be password protected, which will provide information as to the reasons for the subpoena; Board members will have 24 hours to respond, and upon receipt of four affirmative votes, the subpoena will be issued.

**Motion to Adjourn**

**At approximately 12:15 p.m., upon motion made by Tim Koch and seconded by Anita Parran, the conference call meeting was adjourned. Motion passed 4:0:0:2 with roll call vote as follows:**

**Elaina Wolzak - absent**  
**Anita Parran - yes**  
**Doug Lang - yes**

**Tim Koch - yes**  
**Melissa Graham – yes**

**Gary Sobocinski - absent**  
**Pam Marshall - absent**

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KEVIN E. KINKADE, R. PH.  
EXECUTIVE DIRECTOR

Date Approved: \_\_\_\_\_