

OPEN MINUTES
Missouri Board of Pharmacy
September 8-10, 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 Doug Lang at 12:13 p.m. on September 8, 2004.

Board Members Present

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

Staff Present

Kevin Kinkade, R. Ph., Executive Director
Tom Glenski, R. Ph., Chief Inspector
Ben Lasswell, R. Ph., Inspector
Sid Werges, R. Ph., Inspector

Others Present

Ron Smith, Assistant Attorney General
Susan McCann, BNDD
Representatives of Missouri Pharmacy Association
Dennis Hunt, Walgreens
Steve O'Neill, Rx Systems
Other visitors as recorded in the Visitors' Register

MOTION TO CLOSE 12:15 p.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 Anita Parran. Motion passed 6:0:0:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 6:00 PM

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

#D6 Legislation – Proposed Draft

Kevin Kinkade presented a verbal report. Discussion was held. It was the consensus of the Board to make the following changes to the draft:

- Section 338.013 – remove subsection (1);
- Section 338.056.3 – Change “medium” to “data transmission”; and
- Section 338.220.1 – Change “Veterinarian” to “Veterinary”.

RECESS 8:50 PM

Motion was made by Doug Lang and seconded by Gary Sobocinski to recess for the evening at approximately 8:50 p.m. Motion passed 6:0:0:0 with roll call vote as follows:

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

**Melissa Graham – yes
Elaina Wolzak – yes**

**Tim Koch - yes
Anita Parran – yes**

RECONVENE SEPTEMBER 9, 2004

The meeting reconvened in open session at 8:39 a.m. on September 9, 2004. All parties were present as previously recorded except Inspector Sid Werges, plus Inspector Frank Van Fleet joined the meeting.

#D6 Legislation – Proposed Draft

Discussion continued on this item. It was the consensus of the Board to make the following changes to the draft:

- Section 338.165 – Replace “pharmacist” with “any licensees”.
- Section 338.010 – Revise language as suggested by Ron Smith

RECESS OPEN 9:30 AM

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 Melissa Graham. Motion passed 6:0:0:0 with roll call vote as follows:

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

**Melissa Graham – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

RETURN TO OPEN 12:15 PM

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

Recess and Reconvene

The Board recessed for lunch at 12:15 p.m. and reconvened in open session at 1:15 p.m.

#B1 TAP Pharmaceutical dba Pharmacy Solutions #2001000487, Charles Sommercorn, PIC/, 2201 Waukegan Rd, Deerfield, IL 60015, #2002-004289

A felony violation hearing was scheduled for 1:30 p.m. A court reporter was present and the hearing began at 1:25 p.m. The hearing concluded at 2:11 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 2:11 PM

RECESS OPEN 2:15 PM

Gary Sobocinski 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 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 2:55 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into closed session at approximately 2:55 p.m.

#B4 Scott Johnk, #44856, 240 Oak Tree Lane, Ozark, MO 65721, #2004-000005

A felony violation hearing was scheduled for 3:00 p.m. A court reporter was present and the hearing began at 3:04 p.m. The hearing concluded at 3:21 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 3:22 PM

RECESS OPEN 3:22 PM

Gary Sobocinski 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 Elaina Wolzak. Motion passed 6:0:0:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 4:00 PM

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

#A1 Approval of Minutes:

a) Board Retreat March 3-5, 2004

Motion was made by Elaina Wolzak and seconded by Anita Parran to approve the minutes as written. Motion passed 4:0:2:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – abstain
Doug Lang – yes

Tim Koch - abstain
Anita Parran – yes

b) Telephone Conference Call June 4, 2004

Motion was made by Tim Koch and seconded by Gary Sobocinski to approve the minutes as written. Motion passed 5:0:1:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – abstain

Melissa Graham – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

#A2 Agenda Additions/Corrections – No enclosures

#A3 Board Member Report

Elaina Wolzak and Kevin Kinkade presented a report on the NACDS meeting.

Doug Lang presented a report on the USP 797 meeting he attended.

The Board discussed NABP/AACP District 6 meeting resolution ideas. No specific ideas were decided upon.

#A4 Board Member Update to phone, address, e-mail, fax #

The Board member's requested to have their agendas mailed to their home addresses.

#A5 **General Administration Report:**

Kevin Kinkade presented reports on the following items:

- **Budget Summary**

- Expense and Equipment Summary
- Special Allocation Request to convert the contract inspector to a full-time employee position and to add a Clerk IV staff position.

Discussion was held. **Motion was made by Gary Sobocinski and seconded by Elaina Wolzak to accept the proposed Expense and Equipment category. Motion passed 6:0:0:0 with roll call vote as follows:**

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

**Melissa Graham – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

Board Retreat Locations – Discussion was held. It was the consensus of the Board to change dates for the March 2005 Retreat Meeting to March 1-3, 2005 and to meet at Chateau on the Lake in Banson, Missouri.

CE Auditing Procedure – Discussion was held.

Motion was made by Gary Sobocinski and seconded by Elaina Wolzak to approve this procedure with the following changes:

- Remove items 8, 9, and 10 for this renewal period and bring all non-compliant audit responses to the Board for review.
- Set a mandatory cut-off date of August 31 of the licensure period for earning continuing education credits.

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

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

**Melissa Graham – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

Motion was made by Gary Sobocinski and seconded by Elaina Wolzak to propose a rule to establish a delinquency fee of \$500 for failure to renew due to lack of continuing education earned. Motion passed 6:0:0:0 with roll call vote as follows:

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

**Melissa Graham – yes
Doug Lang – yes**

**Tim Koch - yes
Anita Parran – yes**

4 CSR 220-4.010 and 4CSR 220-4.020 – Final Order of Rule-making

Motion was made by Tim Koch and seconded by Pam Marshall to approve for final order of rule-making: General Fees – 4CSR 220-4.010. Motion passed 6:0:0:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

Motion was made by Tim Koch and seconded by Pam Marshall to approve for final order of rule-making: Recision of 4CSR 220-4.020. Motion passed 6:0:0:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

RECESS OPEN 5:00 PM

Elaina Wolzak 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 Melissa Graham. Motion passed 6:0:0:0 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Doug Lang – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 7:35 PM

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

RECESS

The open session meeting recessed for the evening at 7:35 p.m.

SEPTEMBER 10, 2004

The meeting reconvened in open session at 9:09 a.m. on September 10, 2004. All members and staff present as noted previously. Ron Smith was absent; Kristi Flint was present to represent the AG's office.

#D1 **Review of NCPS Inc, for Possible Transfer of Urine Specimen and Testing Program**

Kevin Kinkade presented a verbal report. Discussion was held. **Motion was made by Tim Koch and seconded by Gary Sobocinski to utilize the NCPS, Inc. program as presented for the Board’s urinalysis testing. Motion passed 6:0:0:0 with roll call vote as follows:**

Gary Sobocinski – yes	Melissa Graham - yes	Tim Koch - yes
Pam Marshall – yes	Elaina Wolzak - yes	Anita Parran – yes

#D2 **Intern Training Pharmacy Application – Special Site/Walgreens District Office, 440 N. Highway 67, Florissant, MO 63031**

Discussion was held Dennis Hunt and Pamela Marshall provided info to the Board. **Motion was made by Tim Koch and seconded by Gary Sobocinski to approve this site for 500 hours. Motion passed 5:0:1:0 with roll call vote as follows:**

Gary Sobocinski – yes	Melissa Graham - yes	Tim Koch - yes
Pam Marshall – abstain	Elaina Wolzak - yes	Anita Parran – yes

#D3 **“Definition of Practice of Pharmacy” Rule Memorandum received July 8, 2004 from Attorney General’s Office**

#D4 **Need for Uniform National Standards for the Education and Training of Pharmacy Technicians**

Kevin Kinkade presented a verbal report. Discussion was held. It was the consensus of the Board to table this matter and schedule an open forum at the December Board meeting.

#D5 **Beyond Use Date: Concept of USP**

Gary Sobocinski presented a verbal report. Discussion was held. It was the consensus of the Board that mention of this issue should be made in the next Board newsletter, referring readers to USP 24 (General Notice, Page 13) for guidance.

#D6 Legislation – Proposed Draft

Section 338.010 There was general agreement of the parties present on the handling of prescriptions, veterinary issues and the overall concept of pharmacist care. There was some disagreement on language regarding the issue of requiring division managers to be licensed pharmacists and on language regarding pharmacists administering immunizations.

Section 338.013 Discussion was held. It was the consensus of the Board to discontinue any legislative action at this time on the issue of requiring certification of pharmacy technicians but to continue to explore the idea.

Section 338.145 Public comments were reserved on this issue due to the fact this was the first public viewing of proposed language.

Section 338.160 Representatives of the MPA expressed concern about discoverability issues and would like opportunity for their counsel to review.

Section 338.165 Representatives of the MPA expressed agreement with the concept of this proposal but would like opportunity for their counsel to review.

Section 338.380 Representatives of the MPA expressed opposition to this proposal.

Section 338.400 Representatives of the MPA expressed agreement with the concept of this proposal but would prefer the word “cause” be substituted for the word “provide”.

Section 338.075 Representatives of the MPA expressed opposition to this proposal.

#D7 Electronic Transmission of Prescriptions

Kevin Kinkade presented a verbal report. Discussion was held. It was the consensus of the Board to make no comments to NABP on this issue at this time.

Proposed Drug Repository Program

Susan McCann of BNDD presented a verbal report on the proposed drug repository regulations.

4 CSR 220-3.040 – Return and Reuse Regulation

Steve O’Neill inquired about changes to this rule.

THE FOLLOWING CASES WERE REVIEWED IN SECTION E, WHICH REQUIRED NO ACTION OR DISCUSSION.

#E1 Revised 2004 Strategic Plan

#E2 Motion Language for Rules/Amendments

#E3 Correspondence from L.D. King, Executive Director, International Academy of Compounding Pharmacists

#E4 NAPB Survey Results – Drug/Alcohol Impairment Programs

#E5 State Board of Pharmacy Score Transfer and Licensure Transfers from the State of California

MOTION TO ADJOURN OPEN MEETING 2:30 PM

At approximately 2:30 p.m., Gary Sobocinski made a motion to adjourn the September 2004 meeting, seconded by Pam Marshall. Motion passed 6:0:0:0.

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

KEVIN E. KINKADE, R. PH.
EXECUTIVE DIRECTOR

DATE APPROVED _____