

**OPEN MINUTES**  
**Missouri Board of Pharmacy**  
**December 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 11:07 a.m. on December 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  
Frank Van Fleet, R. Ph., Inspector  
Sid Werges, R. Ph., Inspector  
Barbara Wood, R. Ph., Inspector  
Mike Kidd, R. Ph., Inspector  
Robert Alexander, R. Ph., Inspector

**Others Present**

Loretta Schouten, Assistant Attorney General  
Other visitors as recorded in the Visitors' Register

**MOTION TO CLOSE 11:09 a.m.**

**Pam Marshall 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:**

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

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

**Tim Koch - yes**  
**Anita Parran – yes**

**RETURN TO OPEN 3:43 PM**

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

#2BH **Nicholas G. Igel, #041243, 8 Gemini, Fenton MO 63026** - The Board reviewed the following documents:

- Notice of Hearing on Violation of Disciplinary Order dated 11/24/04
- Complaint dated 11/24/04, with exhibits

A felony violation hearing was scheduled for 3:30 p.m. Mr. Igel was not present at 3:52 p.m. The hearing concluded at 3:55 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy

**RETURN TO OPEN 12:03 AM**

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

**Proposed legislation**

Kevin Kinkade presented a verbal report.

**RECESS**

The open session meeting was recessed for the day at 12:27 a.m.

**DECEMBER 9, 2004**

**RECONVENE DECEMBER 9, 2004**

The meeting reconvened in open session at 8:34 a.m. on September 9, 2004. All parties were present as previously recorded except Susan McCann, plus Bert McClary of BNDD joined the meeting.

**RECESS OPEN 8:35 AM**

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  
Elaina Wolzak – yes

Tim Koch - yes  
Anita Parran – yes

**RETURN TO OPEN 2:54 PM**

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

#1B **Daniel S. Williams, #29455, 1936 Llewellyn Road, Belleville, IL 62223, #2003-003531 - 11/7/2002 to 11/6/2007 Probation** - The Board reviewed the following documents:

- Notice of Hearing on Violation of Disciplinary Order dated November 9, 2004
- Complaint filed by Board May 27, 2004

A violation hearing was scheduled for 3:00 p.m. Neither Mr. Williams nor his counsel was present at 3:07 p.m. The hearing concluded at 3:15 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy

**RECESS OPEN 3:16 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  
Elaina Wolzak – yes**

**Tim Koch - yes  
Anita Parran – yes**

**RETURN TO OPEN 4:15 PM**

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

#1A **Approval of Minutes:**

a) Board Meeting April 9-11, 2003

**Motion was made by Elaina Wolzak and seconded by Tim Koch to approve the minutes of the April 9-11, 2003 meeting as printed. Motion passed 4:0:2:0 with roll call vote as follows:**

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

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

**Tim Koch - yes  
Anita Parran – yes**

b) Board Meeting September 10-12, 2003

**Motion was made by Tim Koch and seconded by Elaina Wolzak to approve the minutes of the September 10-12, 2003 meeting as printed. Motion passed 4:0:2:0 with roll call vote as follows:**

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

c) Board Meeting December 17-19, 2003

**Motion was made by Elaina Wolzak and seconded by Tim Koch to approve the minutes of the December 17-19, 2003 meeting as printed. Motion passed 4:0:2:0 with roll call vote as follows:**

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

d) Board Meeting February 3-5, 2004

**Motion was made by Elaina Wolzak and seconded by Tim Koch to approve the minutes of the February 3-5, 2004 meeting as printed. Motion passed 5:0:1:0 with roll call vote as follows:**

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

e) Telephone Conference Call August 20, 2004

**Motion was made by Tim Koch and seconded by Melissa Graham to approve the minutes of the August 20, 2004 conference call meeting as printed. Motion passed 4:0:2:0 with roll call vote as follows:**

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

f) Mail Ballot October 8, 2004

**Motion was made by Elaina Wolzak and seconded by Tim Koch to approve the minutes of the October 8, 2004 mail ballot meeting as printed. Motion passed 5:0:1:0 with roll call vote as follows:**

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

Missouri Board of Pharmacy  
Open Minutes  
December 8-10, 2004  
Page 4 of 9

g) Telephone Conference Call November 5, 2004

**Motion was made by Melissa Graham and seconded by Anita Parran to approve the minutes of the November 5, 2004 conference call meeting as printed. Motion passed 4:0:2:0 with roll call vote as follows:**

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

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

**Tim Koch - yes  
Anita Parran – yes**

h) Board Meeting July 9-11, 2003

**Motion was made by Elaina Wolzak and seconded by Tim Koch to approve the minutes of the July 9-11, 2003 meeting as printed. Motion passed 4:0:2:0 with roll call vote as follows:**

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

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

**Tim Koch - yes  
Anita Parran – yes**

**#2A Agenda Additions/Corrections – No enclosures**

Kevin Kinkade reported on additions of legislative issues and drug distributor applications issues to agenda materials.

**#3A Board Member Report**

Tim Koch and Pam Marshall reported on their attendance at the NABP District 6 Meeting in Galveston, Texas.

Gary Sobocinski, Melissa Graham, and Doug Lang reported on their attendance at the NABP Fall Educational Conference.

Tim Koch reported on his attendance at the Missouri Pharmacy Association Fall Conference.

**#4A Board Member Update to phone, address, e-mail, fax #**

The Board member's had no changes to report.

**#5A General Administration Report:**

Kevin Kinkade presented reports on the following items:

- A 20-year service pin was presented to Inspector Mike Kidd
- Continuing Education requirements for all fact-finding meetings
- His meeting with Representative Lager
- House Bill 600 actions to date

**Motion was made by Elaina Wolzak and seconded by Anita Parran to automatically reinstate suspended licensees once any unpaid taxes are paid, then bring each case to the next Board meeting for further discussion. Motion passed 4:0:2:0 with roll call vote as follows:**

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

- Nominations for NABP Honorary President

**Motion was made by Tim Koch and seconded by Elaina Wolzak to nominate Bill Fitzpatrick as NABP Honorary President. Motion passed 5:1:0:0 with roll call vote as follows:**

<b>Gary Sobocinski – no</b>	<b>Melissa Graham – yes</b>	<b>Tim Koch - yes</b>
<b>Pam Marshall – yes</b>	<b>Elaina Wolzak – yes</b>	<b>Anita Parran – yes</b>

- Drug Distributor Licensure

**Motion was made by Pam Marshall and seconded by Elaina Wolzak to issue licenses to in-state drug distributor applicants only after a successful initial inspection is completed. Motion passed 6:0:0:0 with roll call vote as follows:**

<b>Gary Sobocinski – no</b>	<b>Melissa Graham – yes</b>	<b>Tim Koch - yes</b>
<b>Pam Marshall – yes</b>	<b>Elaina Wolzak – yes</b>	<b>Anita Parran – yes</b>

Susan McCann of BNDD reported that the proposed legislation regarding the drug repository program will be filed December 15, 2004. New legislation is also under consideration to make pseudoephedrine a class five controlled substance and possible legislation on prescription reporting and monitoring regarding pseudoephedrine prescriptions.

#### **RECESS OPEN 5:01 PM**

**Motion was made by Gary Sobocinski and seconded by Anita Parran 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). Motion passed 6:0:0:0 with roll call vote as follows:**

<b>Gary Sobocinski – yes</b>	<b>Melissa Graham – yes</b>	<b>Tim Koch - yes</b>
<b>Pam Marshall – yes</b>	<b>Elaina Wolzak – yes</b>	<b>Anita Parran – yes</b>

**RETURN TO OPEN 9:00 PM**

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

**RECESS 9:00 PM**

Motion was made by Doug Lang and seconded by Gary Sobocinski to recess for the evening at approximately 9:00 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 DECEMBER 10 2004**

The meeting reconvened in open session at 9:00 a.m. on December 10, 2004, at Holiday Inn Select, Columbia MO. All parties were present as previously recorded plus visitors as indicated in the visitor register.

**#1D Intern Training Pharmacy Application – Special Site/Wal-Mart Pharmacy District Office, 2206 N. Baltimore, Kirksville MO 63501**

Discussion was held. Motion was made by Elaina Wolzak and seconded by Gary Sobocinski to approve the special intern training site application for 500 hours. 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

**#2D 9:00am Medicaid Presentation on Addition of Inspector to Board Staff..... George Oestreich Pharm.D.**

Discussion was held. Motion was made by Gary Sobocinski and seconded by Tim Koch to continue to explore the issue with medicaid. 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

NOTE: A COMMENT WAS PRESENTED BY RANDY MEENTS, MPA.

**#4D David W. Henderson, 041733; William E. Henderson,#025327, PIC/Henderson’s Drug Store, #004501, 523 First Street, Glasgow, MO 65254**

– The following documents were available for Board review:

- Letter from William Henderson and David Henderson received 11/17/04

**#5D Review of 4 CSR 220-2.100(10)(11) - Continuing education credits and renewing of pharmacist licenses**

Discussion was held. Motion was made by Gary Sobocinski 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 220-2.100(10) and (11) 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 Tim Koch. 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

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

#1E **Revised 2004 Strategic Plan**

#2E **Motion Language for Rules/Amendments**

#3E **Updated NAPLEX Blueprint and New Passing Standard**

#4E **Drug/Alcohol Impairment Programs Survey Results**

NOTE: RANDY MEENTS, MPA, REQUESTED DISCUSSION ON THIS ITEM.

#5E **NABP 2004 Fall Educational Conference**

Doug Lang presented a verbal report of his attendance at the conference.

#6E **Continuing Education St. Louis College of Pharmacy Program Evaluation Form**

#6EH **Missouri Board of Pharmacy 9<sup>th</sup> Annual Retreat, March 3-5, 2004** - The Board reviewed the following documents:

- Strategic Plan for 2004

#3D **Open Forum: Technician Competency Assessment**

Doug Lang presented a verbal report on this issue.

The following comments and/or opinions were expressed by individual visitors:

- Dave Overfelt, Missouri Retailers Association – Opposed to mandatory but favors voluntary certification of technicians.
- Randy Meents, Missouri Pharmacy Association – Voluntary certification preferred; requests Board to consider specific questions.
- Marty Michel, Key Drug – Questions whether testing involved measures competency.
- Dennis Hunt, Walgreens Drugs – Opposed to mandatory certification; suggests specific practice site.
- Richard Nichol, Mallinckrodt Nuclear – Suggests allowing other board-approved program.
- Gwen Collier, Certified Technician, member Missouri Technician's Association – Supports mandatory certification requirement.
- Johnny Herrod, Dillons/Gerbes pharmacies – Supports voluntary.
- Fred Tonnies, Samaritan Hospitals – Opposed to mandatory.
- Steve Stewart, Smitty's pharmacies – Opposed to mandatory.
- Curtis Hartin, Schnucks pharmacies – Opposed to mandatory.
- Corey Dikes, pharmacy intern – Opposed to mandatory.
- Bert McClary, DHSS
- Taylor Hartwig, pharmacy owner and registered technician – Opposed to mandatory.
- Rhonda Bean, Truman Medical Hospital – Opposed to mandatory.
- Frank Messenger, Missouri Baptist Hospital
- Stephanie, 50 Plus Pharmacy

The Board held open discussion.

**MOTION TO ADJOURN OPEN MEETING 11:52 AM**

**At approximately 11:52 a.m., motion was made by Gary Sobocinski and seconded by Elaina Wolzak to adjourn the December 2004 meeting. Motion passed 6:0:0:0.**

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

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

**Tim Koch - yes  
Anita Parran – yes**

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KEVIN E. KINKADE, R. PH.  
EXECUTIVE DIRECTOR

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