

OPEN MINUTES
February 2-4, 2005
Missouri Board of Pharmacy
Stoney Creek Inn
2601 S. Providence Road
Columbia, MO 65203

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 11:04 a.m. on February 2, 2005.

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

Others Present

Daryl Hylton, Assistant Attorney General
Other visitors as recorded in the Visitor Register

MOTION TO CLOSE 11:09 a.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 12:03 PM

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

#A5 General Administration Report:

Kevin Kinkade presented a five-year service pin to staff member Don Walker.

NOTE: INSPECTOR BARBARA WOOD ENTERED THE MEETING ROOM AT 12:30

MOTION TO CLOSE 12:34 PM

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 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**

FEBRUARY 3, 2005

RETURN TO OPEN 11:52 AM,

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

#A1 Approval of Minutes:

a) Board Meeting April 7-9, 2004

Motion was made by Elaina Wolzak and seconded by Anita Parran to approve the minutes of the April 7-9, 2004 meeting as printed. Motion passed 5:0:1:0 with roll call vote as follows:

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

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

**Tim Koch - yes
Anita Parran – yes**

b) Board Meeting July 7-9, 2004

Motion was made by Tim Koch and seconded by Melissa Graham to approve the minutes of the July 7-9, 2004 meeting as printed. 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**

c) Board Meeting September 8-10, 2004

Motion was made by Melissa Graham and seconded by Elaina Wolzak to approve the minutes of the September 8-10, 2004 meeting as printed. 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**

d) Board Meeting December 8-10, 2004

Motion was made by Elaina Wolzak and seconded by Melissa Graham to approve the minutes of the December 8-10, 2004 meeting as printed. 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**

e) Telephone Conference Call Meeting January 7, 2005

Motion was made by Melissa Graham and seconded by Anita Parran to approve the minutes of the January 7, 2005 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**

#A2 **Agenda Additions/Corrections – No enclosures**

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

- Continuances requested for the following meetings scheduled in open session of this meeting:

#B1 **Kurtis Wages, #42997**

- Notice of Hearing On Violation of Disciplinary Order dated January 19, 2005
- Complaint filed with the Board January 13, 2005

#D2 **E-Prescribing: Meeting with representatives from ESI**

#A3 Board Member Report

Pam Marshall reported on her attendance at the NABP District 6 meeting in Galveston, TX.

Tom Glenski and Elaina Wolzak reported on their attendance at the MPJE Law Review in Scottsdale, AZ.

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

The Board member's had no changes to report.

Recess and Reconvene

The Board recessed the open session meeting for lunch at 12:05 p.m. and reconvened in open session at 1:05 p.m.

NOTE: NEWLY APPOINTED PROFESSIONAL REGISTRATION DIVISION DIRECTOR ALISON CRAIGHEAD ENTERED THE MEETING ROOM

#A5 General Administration Report

The following items were discussed:

- A. Legislation (Susan McCann of BNDD presented an update on proposed legislation concerning the production of methamphetamine in Missouri)

- B. Practice Act Position Statement - Kevin Kinkade presented a verbal report.

Discussion was held. It was the consensus of the Board to use the statement printed in the agenda, if necessary.

RECESS OPEN 1:57 PM

Motion was made by Tim Koch and seconded by Melissa Graham 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:

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

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

**Tim Koch - yes
Anita Parran – yes**

RETURN TO OPEN 4:29 PM

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

#A5 **General Administration Report:**

- C. Continuing Education Audits - Kevin Kinkade presented a verbal report.
- D. HB600 - Kevin Kinkade presented a verbal report.
- E. Status of minutes and Administrative Letters - Kevin Kinkade presented a verbal report.
- F. Retreat Planning - Kevin Kinkade presented a verbal report.
- G. Executive Director Evaluation at Retreat - Verbal report by President Doug Lang.

#D1 **Drug Distributor Model Act Excerpts for Consideration as Amendments**

Kevin Kinkade presented a verbal report. The Board reviewed the excerpts. It was the consensus of the Board that the following items be pursued:

APPLICATION (1)(B) – Require background check for owners of applicant facilities.

MANAGER-IN-CHARGE –

(c) – Require list of occupations, positions of employment, and offices held during the past 7 years.

(i)(4) (a) – Must be employed full time in a managerial position by the wholesale distributor.

(c) – Must be aware of and knowledgeable about all policies and procedures pertaining to the operations of the wholesale distributor.

OTHER APPLICATION REQUIREMENTS

(B) – Each licensed wholesale distributor located outside of this state that distributes drugs in this state shall designate a registered agent in this state for service of process...

REPORTING

(F) – Shall maintain a system for the mandatory reporting (to the Board and FDA) of significant shortages or losses of drugs on the NABP drug list where it is known or suspected that diversion is occurring.

RECESS 6:35 PM

Motion was made by Melissa Graham and seconded by Gary Sobocinski to recess for the evening at approximately 6:35 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**
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RECONVENE FEBRUARY 4, 2005

The meeting reconvened in open session at 8:36 a.m. on February 4, 2005, at Stoney Creek Inn, Columbia MO. All parties were present as previously recorded plus visitors as indicated in the visitor register.

#DH3 **Department of Social Services, Division of Medical Services, PO Box 6500, Jefferson City MO 65102** - The Board reviewed the following:

- Intern Training Pharmacy Application – Special Site

Discussion was held. **Motion was made by Gary Sobocinski and seconded by Elaina Wolzak 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**

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

#E1 **Revised Strategic Plan**

#E2 **Motion Language for Rules/Amendments**

#E3 **Letter to Department of Justice Assistance from Kevin Kinkade dated 1/12/05**

#E4 **Memorandum from NABP dated 1/7/05**

#E5 **19 CSR 30-86.042 Administrative, Personnel, and Resident Care Requirements for New and Existing Residential Care Facilities I and II – Comments**

#C1 **4 CSR 220-1.010 – General Organization**

No comments were received. Discussion was held. **Motion was made by Gary Sobocinski and seconded by Elaina Wolzak to approve this rule amendment for final order of rulemaking. 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**

#C2 **4 CSR 220.2.010 – Pharmacy Standards of Operation**

No comments were received. Discussion was held. **Motion was made by Elaina Wolzak and seconded by Tim Koch to approve this rule amendment for final order of rulemaking. 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**

#C3 **4 CSR 220.2.020 – Pharmacy Permits** – The Board reviewed comments received on this change from Carol Curtis, AstraZeneca Pharmaceuticals; Ron Fitzwater, MPA; and Kevin Nicholson, NACDS.

Discussion was held.

RECESS OPEN 9:14 PM

Motion was made by Tim Koch and seconded by Elaina Wolzak 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:

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

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

**Tim Koch - yes
Anita Parran – yes**

RETURN TO OPEN 9:52 AM

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

#C3 **4 CSR 220-2.020 – Pharmacy Permits**

Discussion was held. It was the consensus of the Board to delete (K) - Class K Internet classification and insert a new section (11): Prescriptions processed by any classification of a licensed pharmacy must...practitioner licensed in the United States.

Motion was made by Gary Sobocinski and seconded by Tim Koch to accept the changes for final rule making as printed with the above consensus change made. 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**

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#C4 **4 CSR 220-2.030 – Educational and Licensing Requirements**

No comments were received. Discussion was held. **Motion was made by Gary Sobocinski and seconded by Tim Koch to approve this rule amendment for final order of rulemaking. 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**

#C5 **4 CSR 220-2.050 – Public Complaint Handling and Disposition Procedure**

No comments were received. Discussion was held. **Motion was made by Elaina Wolzak and seconded by Melissa Graham to approve this rule amendment for final order of rulemaking. 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**

#C6 **4 CSR 220.5-030 – Definitions and Standards for Drug Wholesale and Pharmacy Distributors** – The Board reviewed the comments received from.

- Kevin Nicholson, National Association of Chain Drug Stores
- Ron Fitzwater, Missouri Pharmacy Association

Discussion was held. **Motion was made by Tim Koch and seconded by Gary Sobocinski to approve this rule amendment for final order of rulemaking with the following changes:**

- **Delete “... that is a residence, or is in a residential development or neighborhood, or to any location”, and**
- **Add “... with a business not related to the distribution of prescription drugs or drug-related devices, or “not licensed and regulated by the state of Missouri.”**

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**

MOTION TO ADJOURN OPEN MEETING 10:38 AM

At approximately 10:38 a.m., motion was made by Gary Sobocinski and seconded by Elaina Wolzak to adjourn the February 2005 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**

KEVIN E. KINKADE, R. PH.
EXECUTIVE DIRECTOR

DATE APPROVED _____