

OPEN MINUTES
April 6-8, 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 10:49 a.m. on April 6, 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

Others Present

Bert McClary, BNDD
Bill Vanderpool, Attorney General's Office
Stacy Yeung, Attorney General's Office

MOTION TO CLOSE 10:49 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 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

APRIL 7, 2005

RETURN TO OPEN 8:48 PM

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

#A1 Approval of Minutes:

a) February 2-4, 2005 Board Meeting

Motion was made by Gary Sobocinski and seconded by Elaina Wolzak to approve the minutes of the February 2-4, 2005 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**

b) February 16, 2005 Conference Call

Motion was made by Gary Sobocinski and seconded by Melissa Graham to approve the minutes of the February 16, 2005 conference call meeting as printed. Motion passed 3:0:3:0 with roll call vote as follows:

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

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

**Tim Koch - abstain
Anita Parran – abstain**

c) Retreat March 1-3, 2005

Motion was made by Tim Koch and seconded by Gary Sobocinski to approve the minutes of the March 1-3, 2005 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**

#A2 Agenda Additions/Corrections

Kevin Kinkade reported on various additions and corrections to agenda items.

Continuance of the following cases scheduled in the open session of this meeting:

#B1 Kurtis E. Wages, #42997, 3225 S Saratoga, Springfield MO 65804 – The following were available for review by the Board:

- Notice of Hearing On Violation Of Disciplinary Order
- Complaint
- Settlement Agreement

#B2 Ira McCracken, #2001018846, 123 W. Howard Street, Billings, MO 65610 –

The following were available for review by the Board:

- Notice of Hearing on Violation of Disciplinary Order
- Complaint
- Letter from Paul Wacker received 4/1/05, with attachments

#A3 Board Member Report

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

The Board member's had no changes to report.

#A5 General Administration Report

- **Legislation Report**

Kevin Kinkade presented a verbal report on proposed amendments to discipline terms for pharmacists. Discussion was held. **Motion was made by Gary Sobocinski and seconded by Elaina Wolzak to approve the amendments to terms as written. 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**

Kevin Kinkade presented a verbal report on possible legislation involving veterinary drugs. It was the consensus of the Board to seek legislation establishing a new veterinary classification for pharmacy permits with regulations similar to those for the 'renal dialysis' classification.

- **Temporary Employment Positions**

Kevin Kinkade presented a verbal report on the use of temporary employees in the Board office. **Motion was made by Tim Koch and seconded by Elaina Wolzak to continue the current positions into the next fiscal period for as long as funding is available. 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**

- **Service Plaque**

Kevin Kinkade presented a service plaque to Anita Parran for her five years of service to the Board as its public member.

#D2 Quintiles, Inc, 10245 Hickman Mills Drive, Kansas City MO 64060 – 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**

#D3 Veterans Affairs Medical Center, 915 N. Grand Blvd. St. Louis MO 63106 – The Board reviewed the following:

- Intern Training Pharmacy Application – Special Site

Discussion was held. **Motion was made by Elaina Wolzak and seconded by Tim Koch 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**

#D4 Pharmacy Program, 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 Tim Koch 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**

#EH7 House Bill 600 Suspensions - Discussion was held.

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

- #E1 Out State Program 2005 – February 20, 2005** – The following were available for review by the Board:
- Speaker/Program Evaluation
- #E2 Ryan Owings, Petitioner, vs. Missouri Board of Pharmacy, Respondent.** – The following were available for review by the Board:
- Before the Administrative Hearing Commission – State of Missouri Decision
- #E3 Charisse Johnson, Professional Affairs Manager, NABP** – The following were available for review by the Board:
- Memorandum: Drug and Device Manufacturers No Longer Recognized as ACPE-Accredited Providers of Continuing Pharmacy Education
- #E4 Eleni Anagnostiadis, Professional Affairs Director, NABP** – The following were available for review by the Board:
- Memorandum regarding NCVHS Submits Second Set of Electronic Prescribing Recommendations to the Secretary of the US Department of Health and Human Services (HHS)
- #E5 Motion Language for Rules/Amendments**
- #EH6 U.S. Department of Justice – Drug Enforcement Administration, Washington , D.C.** – The following were available for review by the Board:
- Letter from Patricia M. Good, Chief, Liaison and Policy Section Office of Diversion Control received 3/28/05

RECESS 9:43 PM

Motion was made by Melissa Graham and seconded by Gary Sobocinski to recess for the evening at approximately 9:43 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 APRIL 8, 2005

The meeting reconvened in open session at 8:32 a.m. on April 8, 2005, at Stoney Creek Inn, Columbia MO. All parties were present as previously recorded plus visitors as indicated in the visitor register.

#D5 Missouri Board of Pharmacy 10th Annual Retreat March 1-3, 2005 – The Board reviewed the following:

- Strategic Plan for 2005 Draft Report

Kevin Kinkade presented a verbal report. Discussion was held. **Motion was made by Tim Koch and seconded by Elaina Wolzak to approve the Strategic Plan for 2005 as presented. 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**

#D6 4 CSR 220-2.020 Pharmacy Permits – The Board reviewed the following:

- Draft - Class K: Internet
- 4 CSR 220-2.020(11)
- VIPPs Information

Discussion was held. **Motion was made by Tim Koch and seconded by Elaina Wolzak to accept language for Class K as discussed at the February board meeting. 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**

#D7 4 CSR 220-2.025 Nonresident Pharmacies – The Board reviewed the following:

- 4 CSR 220-2.025

Discussion was held. It was the consensus of the Board to move the proposed paragraph (2) to the Class J regulations and return this item to the July board meeting for further discussion.

#DH8 Amendment to the Continuing Education Rule, 4 CSR 220-2.100 – The Board reviewed the following:

- Revision to continuing education rule.

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 Continuing Pharmacy Education 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 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

#DH9 CutisPharma Compounding Kits – The Board reviewed the following:

- Memorandum from Inspector Glenski dated 3/31/05, with attachments

Discussion was held. It was the consensus of the Board as follows:

- Compounding kits that are not FDA-approved drug products are not considered commercially available for compounding rule interpretation.
- The mixing of components of an FDA-approved drug kit is not considered compounding.
- The mixing of components of a non-FDA-approved drug kit is considered compounding and the entire compounding rule would apply.

#DH10 Compounding of Slow-Release Products – The Board reviewed the following:

- Memorandum from Inspector Glenski dated 3/31/05

Discussion was held. It was the consensus of the Board that a pharmacy may not make a claim that a compounded product is slow release without analytical data specific to their pharmacy's product that supports their claim.

#D1 4 CSR 220-2.030 Educational and Licensing Requirements – Meetings with College of Pharmacy Deans

Appearing at the meeting to represent pharmacy schools were:

- Dean Robert Piepho and Mary Euler from the College of Pharmacy at University of Missouri - Kansas City
- Dean Kenneth Kirk and Patricia Berry from Saint Louis College of Pharmacy

It was agreed that this meeting with school deans would be regularly scheduled for future April board meetings. Each school representative presented an overview of their school's pharmacy program, then responded to questions by the Board. Discussion was held. **Motion was made by Gary Sobocinski and seconded by Melissa**

Graham to accept the materials provided by the pharmacy school representatives. 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 11:08 AM

At approximately 11:08 a.m., motion was made by Gary Sobocinski and seconded by Tim Koch to adjourn the April 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 _____