

OPEN MINUTES
July 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 10:08 a.m. on July 6, 2005.

Board Members Present

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

Board Members Absent

Pamela Marshall, R. Ph., Member

Staff Present

Kevin Kinkade, R. Ph., Executive Director
Tom Glenski, R. Ph., Chief Inspector
Mike Kidd, R. Ph., Inspector

Others Present

Bert McClary, BNDD

MOTION TO CLOSE 10:08 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 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – absent

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 4:57 PM

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

#B2 Ira McCracken, #2001018846 - The Board reviewed the following:

- Notice Of Hearing On Violation of Disciplinary Order
- Answer To Complaint

A felony violation hearing was scheduled for 5:00 p.m. A court reporter was present and the hearing began at 5:11 p.m. The hearing concluded at 5:59 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

PAM MARSHALL LEFT THE MEETING ROOM AT THE CONCLUSION OF THE HEARING

Recess and Reconvene

The Board recessed for dinner at 6:00 p.m. and reconvened in closed session at 7:00 p.m.

MOTION TO CLOSE 7:00 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 Tim Koch. Motion passed 5:0:0:1 with roll call vote as follows:

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

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

**Tim Koch - yes
Anita Parran – yes**

RETURN TO OPEN 3:24 PM

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

#B3 Daryl Daniels, #043088 – The following were available for review by the Board:

- Notice Of Felony Disciplinary Hearing
- Certificate of Service
- Felony Conviction Complaint

A felony violation hearing was scheduled for 3:30 p.m. At 3:40 p.m. neither Mr. Daniels nor counsel was present and the hearing was concluded.

MOTION TO CLOSE 3:43 p.m.

Anita Parran 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 Gary Sobocinski. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – absent

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

RETURN TO OPEN 7:27 PM

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

#A1 Approval of Minutes:

1. April 6-8, 2005 Board Meeting

Motion was made by Tim Koch and seconded by Elaina Wolzak to approve the minutes of the April 6-8 Board Meeting Open Session as printed. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – absent

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.

#A3 Board Member Report

Doug Lang and Kevin Kinkade presented a report on the law review for the Missouri Society of Hospital Pharmacists in April.

Tim Koch presented a verbal report on his attendance at the MPA convention.

Doug Lang presented a verbal report on his attendance at the ASHP meeting in Boston, MA.

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

The Board member's had no changes to report.

#A5 General Administration Report

Kevin Kinkade reported on the following:

- **Proposed Board Meeting Dates 2006-** It was the consensus of the Board to approve the dates for 2006 Board meetings as presented.

- **Proposed Changes to Regulations** - Kevin Kinkade presented a verbal report on proposed amendments to 4CSR 220-2.450, 4CSR 220-5.020, and 4CSR 220-5.030. Discussion was held. **Motion was made by Tim Koch and seconded by Elaina Wolzak to accept the proposed regulation changes as presented. Motion passed 5:0:0:1 with roll call vote as follows:**

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

- **HB 7 Report**
- **Missouri Applicant Processing Services (MOAPS)-** It was the consensus of the Board to accept the proposal to begin utilization of electronic submission of fingerprints on Board of Pharmacy applicants.\
- **Proposed Budget Priorities FY2007-** **Motion was made by Elaina Wolzak and seconded by Tim Koch to accept the proposal to add a new Clerk IV and new inspector position on the staff. Motion passed 5:0:0:1 with roll call vote as follows:**

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

- **Medicaid Investigations-** It was the consensus of the Board to move forward with this proposal.

RECESS 8:26 PM

Motion was made by Melissa Graham and seconded by Gary Sobocinski to recess for the evening at approximately 8:26 p.m. Motion passed 5:0:0:1 with roll call vote as follows:

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

RECONVENE JULY 8, 2005

The meeting reconvened in open session at 8:30 a.m. on July 8, 2005, at Stoney Creek Inn, Columbia MO. All parties were present as previously recorded plus visitors as indicated in the visitor register.

#D1 Express Scripts – “Remote Pharmacist Verification Pilot Program”

Board member Gary Sobocinski and Joseph Dino, PIC at Express Scripts’ Saint Louis facility made a presentation on a program allowing pharmacists to perform prescription verification from their homes, then responded to questions by the Board about the program.

#D2 Susan McCann and Bert McClary – “DHSS Policy on Leave of Absence Medications for Long-Term Care Facilities” – The following were available for review by the Board:

- Memorandum dated 6/7/05 from Susan McCann

Bert McClary, BNDD and Janice Frank, manager of the policy unit at the Department of Health and Senior Services made a presentation of the DHSS policy on leave of absence medications for long term care facilities.

Discussion was held. It was the consensus of the Board to allow Mr. McClary to continue working on the proposed regulation regarding this issue.

#D3 “Walgreens Automation Systems”

Dan Lewis made a presentation to the Board, then responded to questions by the Board.

#D4 St. Louis College of Pharmacy, 4588 Parkview Place, St. Louis MO 63110 - The following were available for review by the Board:

- Letter from Cindy Wuller received 5/10/05

Kevin Kinkade presented a verbal report. Discussion was held. **Motion was made by Gary Sobocinski and seconded by Elaina Wolzak to allow Kevin Kinkade to draft language for proposed changes in the internship licensure regulations based on requests in the letter from Cindy Wuller. Motion passed 5:0:0:1 with roll call vote as follows:**

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

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

**Tim Koch - yes
Anita Parran – yes**

#D5 4 CSR 220-2.025 Nonresident Pharmacies – The following were available for review by the Board:

- 4 CSR 220-2.025 – Rulemaking proposal.

Discussion was held. **Motion was made by Tim Koch 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 220-2.025(2) (except remove the word “another”) 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 Gary Sobocinski. Motion passed 5:0:0:1 with roll call vote as follows:**

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

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

**Tim Koch - yes
Anita Parran – yes**

#CH1 4 CSR 220-2.020 Pharmacy Permits – The following were available for review by the Board:

- Comment received from NACDS on 6/24/05
- Proposed Amendment

Kevin Kinkade presented a verbal report. **Motion was made by Tim Koch and seconded by Anita Parran for a final order of rulemaking on 4 CSR 220-2.020 as printed with the following revision:**

- (11) Delete the second sentence of the original proposal and add language submitted in the NACDS comment received 6/24/05. Motion passed 5:0:0:1 with roll call vote as follows:

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

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

**Tim Koch - yes
Anita Parran – yes**

#DH8 UMKC AND STLCOP INTERN TRAINING SITES/PRECEPTORS – The following were available for review by the Board:

- UMKC Listings of Pharmacies and Pharmacists
- STLCOP Listings of Pharmacies and Pharmacists

Kevin Kinkade presented a verbal report. **Motion was made by Elaina Wolzak and seconded by Tim Koch to delete the names of John Vogel, RPh and West Pine Pharmacy as approved preceptors on these listings. Motion passed 5:0:0:1 with roll call vote as follows:**

Gary Sobocinski – yes
Pam Marshall – absent

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

#AH6 Election of Officers

a) President

Gary Sobocinski nominated Doug Lang. Elaina Wolzak nominated Tim Koch. Doug Lang was re-elected as president.

b) Vice President

Elaina Wolzak nominated Tim Koch. Tim Koch was re-elected by acclamation as vice president.

NOTE: GARY SOBOCINSKI LEFT THE MEETING ROOM DURING DISCUSSION OF THE FOLLOWING ITEM

#D1 Express Scripts – “Remote Pharmacist Verification Pilot Program”

Discussion was held. It was the consensus of the Board for Kevin Kinkade to research an option to allow such a program without a change in regulations.

GARY SOBOCINSKI RETURNED TO THE MEETING ROOM

#DH6 4 CSR 220-2.650 Standards of Operation for a Class J: Shared Services Pharmacy – The following were available for review by the Board:

- Proposed changes

Discussion was held. It was determined that the decision rendered in Item #D5 covered this issue as well.

#DH7 Proposed Amendments: - The following were available for review by the Board:

- 4 CSR 220-2.450 Fingerprint Requirements
- 4 CSR 220-5.020 Drug Distributor Licensing Requirements
- 4 CSR 220-5.030 Definitions and Standards for Drug Wholesale and Pharmacy Distributors

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 220-2.450 Fingerprint Requirements 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 Elaina Wolzak. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – absent

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

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 220-5.020 Drug Distributor Licensing Requirements 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 Elaina Wolzak. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – absent

Melissa Graham – yes
Elaina Wolzak – yes

Tim Koch - yes
Anita Parran – yes

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 220-5.030 Definitions and Standards for Drug Wholesale and Pharmacy Distributors 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 Elaina Wolzak. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – absent

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 Motion Language for Rules/Amendments

#E2 House Bill 859 – The following were available for review by the Board:

- Letter dated 4/22/05 from Kevin Kinkade to The Honorable Rodney Jetton, Speaker, House of Representatives
- Letter from The Honorable Rodney Jetton, Speaker, House of Representatives received 5/10/05

#E3 Strategic Plan for 2005 – The following were available for review by the Board:

- Plan Outline

MOTION TO ADJOURN OPEN MEETING 11:52 AM

At approximately 11:52 a.m., motion was made by Gary Sobocinski and seconded by Tim Koch to adjourn the July 2005 meeting. Motion passed 5:0:0:1.

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

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

**Tim Koch - yes
Anita Parran – yes**

KEVIN E. KINKADE, R. PH.
EXECUTIVE DIRECTOR

DATE APPROVED _____