

OPEN MINUTES
Missouri Board of Pharmacy
July 12-14, 2006
Courtyard by Marriott
3301 LeMone Industrial Boulevard
Columbia, MO 65203

The Missouri Board of Pharmacy met in closed 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 9:10 a.m. on July 12, 2006.

Board Members Present

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

Staff Present

Tom Glenski, R.Ph., Chief Inspector
Tammy Siebert, Executive Assistant

Others Present

Curtis Thompson, Legal Counsel

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 (1), (3), (5), (7), (13) and (14), RSMo, and under Section 620.010.14 (7), RSMo. Seconded by Melissa Graham to go into closed session at 9:10 a.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

RETURN TO OPEN 1:15 PM

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

ATTORNEY ROB ANGSTEAD ENTERED THE MEETING ROOM AT APPROXIMATELY 1:25 PM

#B2 Shawn P. Reidy, #041667, #2006-003684-V1 – The following items were available for Board review:

- Notice Of Hearing On Violation Of Disciplinary Order
- Complaint

A discipline violation hearing was scheduled for 1:30 p.m., a court reporter was present, and the hearing began at 1:30 p.m. Shawn Reidy was represented by attorney Patrick Reidy. The hearing concluded at 1:45 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

MOTION TO CLOSE 1:45 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 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 2:13 PM

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

#B3 Pamela L. Stoddart #041867, #2005-003419-V1 – The following items were available for Board review:

- Notice Of Hearing On Violation Of Disciplinary Order
- Complaint

A discipline violation hearing was scheduled for 4:00 p.m., a court reporter was present, and the hearing began at 2:15 p.m. Pamela Stoddart was presented by attorney Johnny Richardson. The hearing concluded at 3:25 p.m. and a copy of the transcript of this hearing is on file with the Board of Pharmacy.

Recess and Reconvene

The Board recessed for break at 3:25 p.m. and reconvened in open session at 3:40 p.m.

MOTION TO CLOSE 3:40 p.m.

Tim Koch 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

THURSDAY, JULY 13, 2006 - RETURN TO OPEN 4:12 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 a break at 4:12 p.m., and reconvened in open session at 4:27 p.m.

#A5 General Administration Report:

Doug Lang presented a five-year service pin to inspector Robert Alexander.

INSPECTOR ALEXANDER LEFT THE MEETING

MOTION TO CLOSE 4:35 p.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 Gary Sobocinski. Motion passed 5:0:0:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – absent

Tim Koch - yes
Anita Parran – yes

FRIDAY, JULY 14, 2006 - RECONVENE

The Board reconvened the meeting in open session at 8:30 a.m. on July 14, 2006. All parties were present as previously noted except Elaina Wolzak was absent. Ron Fitzwater of the Missouri Pharmacy Association and Bert McClary from BNDD joined the meeting, as did others noted in the visitor register.

#A1 Approval of Minutes:

1. December 2005 Board Meeting

Motion was made by Melissa Graham and seconded by Gary Sobocinski to approve the minutes of the December 2005 Board Meeting Open Session as printed. Motion passed 4:0:1:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – absent

Tim Koch - abstain
Anita Parran – yes

2. June 2006 Telephone Conference Call Meeting

Motion was made by Gary Sobocinski and seconded by Anita Parran to approve the minutes of the June 30, 2006 Conference Call Meeting Open Session as printed. Motion passed 4:0:1:1 with roll call vote as follows:

Gary Sobocinski – yes
Pam Marshall – yes

Melissa Graham – yes
Elaina Wolzak – absent

Tim Koch - abstain
Anita Parran – yes

#A2 Agenda Additions/Corrections

Tom Glenski and Tammy Siebert reported on various additions and corrections to open session agenda items.

#A3 Board Member Report

Doug Lang presented a verbal report on his and Kevin Kinkade's participation in the Kansas Society of Health-System Pharmacists/Missouri Society of Health-System Pharmacists meeting in Overland Park, Kansas in April 2006.

Doug Lang reported that Elaina Wolzak and Sid Werges will attend the National Association of Chain Drug Stores (NACDS) meeting at the end of August in San Diego, California.

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

Tim Koch announced that this would be his last meeting with the Board, that he will be resigning his Board member position due to his transfer and new job within Wal-Mart Corporation. His home and work will be in Arkansas, thus making him ineligible to serve on the Missouri Board of Pharmacy.

#A5 General Administration Report

Doug Lang, Tom Glenski, and Tammy Siebert presented verbal reports on the following:

- a) Proposed meeting dates 2007 (July 2007 dates corrected to July 11-13)
- b) Budget
- c) Budget and Planning

Discussion was held. **Motion was made by Gary Sobocinski and seconded by Melissa Graham to pursue a Clerk IV FTE position for the office. Motion passed 5:0:0:1 with roll call vote as follows:**

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

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

**Tim Koch - yes
Anita Parran – yes**

Motion was made by Gary Sobocinski and seconded by Tim Koch to pursue a budget request for a car for the new inspector position. Motion passed 5:0:0:1 with roll call vote as follows:

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

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

**Tim Koch - yes
Anita Parran – yes**

d) Revised Travel Policy – Tammy Siebert reported on various changes to travel policy and reimbursement procedures.

e) Proposed Legislation –

Discussion was held. **Motion was made by Gary Sobocinski and seconded by Tim Koch to pursue legislation as printed in handout materials for 2007 legislative session. Motion passed 5:0:0:1 with roll call vote as follows:**

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

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

**Tim Koch - yes
Anita Parran – yes**

f) Temporary Services – Tammy Siebert reported on the Board’s use of temporary services to aid office staff with special projects and workload issues.

Discussion was held. **Motion was made by Tim Koch and seconded by Pam Marshall to utilize temporary employment services through fiscal year 2007, as long as funding is available. Motion passed 5:0:0:1 with roll call vote as follows:**

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

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

**Tim Koch - yes
Anita Parran – yes**

#A6 Election of Officers

a) President

Pam Marshall nominated Doug Lang for president, nomination seconded by Anita Parran. Nomination approved 5:0:0:1 with roll call vote as follows:

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

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

**Tim Koch - yes
Anita Parran – yes**

b) Vice President

Melissa Graham nominated Pam Marshall for vice president, nomination seconded by Anita Parran. Nomination approved 4:0:1:1 with roll call vote as follows:

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

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

**Tim Koch - yes
Anita Parran – yes**

#A7 House Bill 1687

House Bill 1687 was signed by Governor Matt Blunt. Discussion was held.

#AH8 Delegation of Authority

- a) Summary of Authority Delegation to Executive Director – proposed
- b) Summary of Authority Delegation to Executive Director – March 2006
- c) Listing of Executive Director duties assigned to staff members for interim

Discussion was held. It was the consensus of the Board to approve the proposed Authority Delegation and interim assignment listing with the addition of “signing expense reports” to item #11 and the word “finalized” to item #18. **Motion was made by Tim Koch and seconded by Gary Sobocinski to add to the introductory paragraph of the Summary of Authority Delegation to Staff During Absence of Executive Director the statement “whether formally or informally carried out by the Board, while the Executive Director position is vacant”.** Motion passed 5:0:0:1 with roll call vote as follows:

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

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

**Tim Koch - yes
Anita Parran – yes**

#D1 4 CSR 220-2.036 Temporary Licensure – The following items were available for review:

- Draft of proposed amendment language
- Copy of existing rule

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 220-2.036 Temporary Licensure 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 5:0:0:1 with roll call vote as follows:**

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

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

**Tim Koch - yes
Anita Parran – yes**

#D2 19 CSR Hospice Program Operations – The following items were available for review:

- Memo from Susan McCann dated 5/12/06
- Draft of BNDD proposed rule changes

Bert McClary of BNDD presented a verbal report on this item and distributed updated materials. Discussion was held.

Recess and Reconvene

The Board recessed for break at 10:05 a.m. and reconvened in open session at 10:20 a.m.

#D3 St. Louis College of Pharmacy – The following items were available for review:

- STLCOP listings of pharmacies and preceptors for approval.

Tricia Berry and Charles Taylor, Acting Dean of Pharmacy, presented a report and responded to questions by the Board. Discussion was held.

Doug Lang addressed a concern of the Board regarding an increasing number of pharmacy school students (interns) appearing before the Board. Discussion was held. It was agreed that the Board would consider holding a board meeting at each of the pharmacy schools; students could then be given the opportunity to experience issues that appear before the Board.

#D4 Drug Distributor Advisory Committee – The following items were available for review:

- Memo from Douglas Lang with attachments received June 16, 2006, appointing Linda Gartner as a member of the committee
- Letter to Linda Gartner dated June 22, 2006

#D5 Pharmacist's Right of Conscience – The following items were available for review:

- Letter from Bruce Nichols, Missouri Baptist Medical Center, with attachments, received 5/2/06

Discussion was held. The 2006 legislation went no where, and the subject should be monitored if it arises in the future.

#D6 Revision of Compounding Regulations

Following the advice of the Board's legal counsel, this item was not discussed at this meeting.

#DH7 Paul Perniciaro, RPh, #040586, 2209 Sycamore Drive, Chesterfield, MO 63017 – The following items were available for review:

- Intern Training Pharmacy Application – Special Site

Discussion was held. **Motion was made by Tim Koch and seconded by Pam Marshall to approve the intern training special site for 500 hours. Motion passed 5:0:0:1 with roll call vote as follows:**

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

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

**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 New Rules/Amendments

#E2 Random Testing of Inpatient Pharmacy Compounded Products – The following items were available for review:

- Memo from David S. Durbin, Department of Health and Senior Services dated 5/9/06

#E3 Missouri State Law Update – The following items were available for review:

- Evaluation of CE program presented at Kansas Pharmacists Association Joint Spring Meeting '06 by Kevin Kinkade and Doug Lang

#E4 Uniform National Standards for the Licensure of Pharmaceutical Distributors – The following items were available for review:

- Letter from John M. Gray, HDMA received 5/1/06

#EH5 Joint Policy Statement on Pain and Symptom Management – The following items were available for review:

- Letter from Tricia Schlechte, Chairperson, received 7/3/06.
- Discussion was held. Doug Lang is to contact Ms. Schlechte to obtain a status report on this matter.

A PLAQUE WAS PRESENTED TO DEPARTING BOARD MEMBER TIM KOCH COMMEMORATING HIS YEARS OF SERVICE TO THE BOARD OF PHARMACY.

MOTION TO ADJOURN 11:08 AM

At approximately 11:08 a.m., motion was made by Melissa Graham and seconded by Anita Parran to adjourn the July 2006 regular open session meeting. Motion passed 5:0:0:1.

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

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

**Tim Koch - yes
Anita Parran – yes**

TAMMY L. SIEBERT
EXECUTIVE ASSISTANT

DATE APPROVED _____