

OPEN MINUTES
Missouri Board of Pharmacy
April 4-6, 2007
Courtyard by Marriott
3301 LeMone Industrial Boulevard
Columbia, MO 65203

The Missouri Board of Pharmacy met in open session during the times and dates stated in the following minutes. Each item in the minutes is listed in the order it was discussed at the meeting. The regular meeting was called to order by President Doug Lang at 8:37 a.m. on April 4, 2007.

Board Members Present

Doug Lang, R.Ph., President
Pamela Marshall, R.Ph., Vice President
Melissa Graham, R.Ph., Member
Elaina Wolzak, R.Ph., Member
Anita Parran, Public Member

Board Members Absent

Gary Sobocinski, R.Ph., Member

NOTE: One board member position vacant.

Staff Present

Debra Ringgenberg, Executive Director
Tom Glenski, R.Ph., Chief Inspector
Sid Werges, R.Ph., Inspector
Tammy Siebert, Executive Assistant

Others Present

Curtis Thompson, Atty.
Susan McCann, BNDD

#A1 Agenda Additions/Corrections

Tom Glenski reported on various additions and corrections to the open session agenda, including addition of Items #BH8 and #BH9, Item #B2 has been continued due to pending settlement negotiations, and Item #B3 has also been continued.

#B2 Frederick G. Dietzler #040265 – The Board reviewed the following:

- Notice of Hearing on Violation of Disciplinary Order
- Complaint

#B3 Michael T. Peters #2002030800 – The Board reviewed the following:

- Notice of Disciplinary Hearing

- Complaint
- AHC Decision

MOTION TO CLOSE 8:40 AM

Elaina Wolzak 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 8:40 a.m. Motion passed 4:0:0:1 with roll call vote as follows:

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

RETURN TO OPEN 12:30 PM

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

RECESS FOR LUNCH 12:30 – 1:30 P.M.

FRANK VANFLEET ENTERED THE MEETING ROOM AT 1:00 P.M.

COURT REPORTER AND ROBERT ANGSTEAD ENTERED THE ROOM AT 1:25 P.M.

#B1 Richard E. Hoatson, #041101, #2005-006998 – The Board reviewed the following:

- Notice Of Disciplinary Hearing
- Complaint and Request for Expedited Hearing
- Joint Stipulation
- AHC Consent Order

A disciplinary hearing was scheduled for April 4, 2007, 1:30 p.m., 1st case on the docket. A court reporter was present and the hearing began at approximately 1:30 p.m. Richard Hoatson was present and was represented by attorney Johnny Richardson. Mr. Hoatson’s wife, Peggy; son, Benjamin; and an associate from Mr. Richardson’s office were also present. The hearing concluded at 2:45 p.m. and a copy of the transcript is on file with the Board of Pharmacy.

COURT REPORTER LEFT THE MEETING ROOM AT 2:50 P.M.

MOTION TO CLOSE 2:50 PM

Elaina Wolzak 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 Anita Parran to go into closed session at 2:50 p.m. Motion passed 4:0:0:1 with roll call vote as follows:

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

RETURN TO OPEN

FRIDAY, APRIL 6, 2007, 8:47 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session. All parties were present as previously recorded in closed session minutes, plus visitors as recorded in the visitor register.

RECESS FOR BREAK 8:47 - 8:56 A.M.

#A2 Board Member Report

Doug Lang reported he presented a Missouri law update at the 3/24/07 MSHP/ICHP meeting, with approximately 90-100 pharmacists in attendance.

#A3 Board Member Update to Phone, Address, E-mail, Fax # - No updates reported.

#A4 General Administration Report

a) Drug Distributor Newsletter – Tom Glenski reported that a Drug Distributor Newsletter should be sent to advise of 4/30/07 rule amendments.

b) Legislation – Doug Lang provided a verbal report of existing bills and the Board's legislative package. Elaina Wolzak commented that SB680 requires the Board to adopt regulations regarding PBMs. Since the Board does not license PBMs, this should not be included in the Pharmacy Practice Act, and belongs under the Department of Insurance's laws instead. Ron Fitzwater of Missouri Pharmacy Association (MPA) commented regarding this subject, and reported that Representative Jay Wasson had contacted him regarding the same matter. He reported that MPA does not have a problem with making the change.

c) Wireless Microphones – Tom Glenski reported that the Board had previously requested staff to look into purchasing wireless microphones for Board meetings. Mr. Glenski reported that the cost was estimated to be \$11,000, so wireless microphones will not be purchased at this time.

#D2 20 CSR 2220-2.010 Pharmacy Standards of Operation – The Board reviewed the following:

- Draft of proposed language.

Discussion was held. In (J), add 4. that all storage and warehouse locations must comply with 19 CSR 30-1; add 5. no records less than two years old may be stored offsite; and add 6. all storage/warehouse locations storing confidential pharmacy records must make them retrievable within two business days when requested by a board of pharmacy representative.

Motion was made by Pam Marshall 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, with revisions as discussed, to 20 CSR 2220-2.010 Pharmacy Standards of Operation 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, all in favor, none opposed, Gary Sobocinski absent.

#D1 UMKC AND STLCOP INTERN TRAINING SITES/PRECEPTORS – The Board reviewed the following:

- STLCOP 2007 Listings of Pharmacies and Pharmacists
- UMKC 2007 Listings of Pharmacies and Pharmacists

Wendy Duncan and Trisha Berry from St. Louis College of Pharmacy and Valerie Ruehter and Robert Piepho from University of Missouri-Kansas City College of Pharmacy were present at 9:30 a.m. Discussion was held regarding the best time for the schools to conduct the Board's review of the intern training sites/preceptors lists. It was suggested that this meeting be held annually during the February meeting. Discussion was held regarding use/frequency of the sites that appear on the schools' intern training sites/preceptors lists, and regarding those sites that are not licensed pharmacies. The unlicensed facilities should be on the Board's special site list and must be approved separately to be utilized as intern training sites. It was suggested that the special site application be posted to the Board's website. Special site applications should be reviewed and approved during the December meeting so they can appear on the schools' lists for approval at the February meeting.

President Lang stated that Chad Herlyn and Monica Terry on the UMKC list are not eligible preceptors due to discipline or expired licenses.

Motion was made by Elaina Wolzak, seconded by Pam Marshall, to approve the lists submitted, excluding Chad Herlyn and Monica Terry. Motion passed, all in favor, none opposed, Gary Sobocinski absent.

Trisha Berry questioned the regulation requirement of 480 hours. STLCOP students complete 1600 hours and UMKC requires 1450 hours. President Lang commented that any preceptor must have BNDD/DEA waivers to employ students with felony/misdemeanors.

Pam Marshall and President Lang commented regarding holding a board meeting at each Missouri school of pharmacy, the possibility of holding a web cast for student review of felony/violation of discipline hearings. Representatives of both schools were receptive, and the Board office will need to review with legal counsel.

Robert Piepho commented regarding non-academic hours and whether schools or the Board should submit/monitor those hours. He provided a draft of procedures for student internships.

The school representatives left the meeting at 10:35 a.m..

RECESS FOR BREAK 10:35 – 10:55 A.M.

#D3 20 CSR 2220-2.120 Transfer of Prescription Information for the Purpose of Refill

– The Board reviewed the following:

- Draft of proposed language

Discussion was held. Susan McCann requested that a new paragraph be added concerning CIII-IV prescriptions to be transferred only one time unless an electronic database exists, that DEA language in 1306.25(a) be used, and renumber remaining subsections.

Motion was made by Elaina Wolzak 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, with revisions as discussed, to 20 CSR 2220-2.210 Transfer of Prescription Information for the Purpose of Refill 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 Melissa Graham. Motion passed, all in favor, none opposed, Gary Sobocinski absent.

#D4 20 CSR 2220-2.200 Sterile Pharmaceuticals – The Board reviewed the following:

- Draft of proposed language

Discussion was held. **Motion was made by Elaina Wolzak 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 20 CSR 2220-2.200 Sterile Pharmaceuticals 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 Pam Marshall. Motion passed, all in favor, none opposed, Gary Sobocinski absent.**

#D5 20 CSR 2220-3.040 Return and Reuse of Drugs and Devices – The Board reviewed the following:

- Draft of proposed language

Discussion was held. Elaina Wolzak commented regarding whether a log of return to stock prescriptions is required, and “may” should be used instead of “shall” in the first sentence of (3). The last sentence of (3) should be deleted, along with (A)-(E) that follow it.

Motion was made by Pam Marshall Wolzak 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, with revisions as discussed, to 20 CSR 2220-3.040 Return and Reuse of Drugs and Devices 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, all in favor, none opposed, Gary Sobocinski absent.

#D6 20 CSR 2220-2.450 Fingerprint Requirements – The Board reviewed the following:

- Draft of proposed language

Discussion was held. **Motion was made by Melissa Graham 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 20 CSR 2220-2.450 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 Anita Parran. Motion passed, all in favor, none opposed, Gary Sobocinski absent.**

#D7 20 CSR 2220-4.010 General Fees – The Board reviewed the following:

- Draft of proposed language

Discussion was held. **Motion was made by Anita Parran 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 20 CSR 2220-4.010 General Fees 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 Pam Marshall. Motion passed, all in favor, none opposed, Gary Sobocinski absent.**

#DH8 Delivery of Board Correspondence – Technician Disqualification and Conditional Registration Letters – The Board reviewed the following:

- Don Walker's Memo to Board – Fiscal Impact dated 3/1/07

Discussion was held. **Motion was made by Pam Marshall, seconded by Anita Parran, that technician disqualification and technician conditional registration letters should be delivered via first class regular mail instead of by certified mail, return receipt requested. Motion passed, all in favor, none opposed, Gary Sobocinski absent.**

#DH9 Licensure Surrender Document Discussion – There were no enclosures for this item.

Discussion was held. It was the consensus of the Board that if disciplinary proceedings have been initiated, surrender documents should be sent from the Board's attorney, otherwise surrender documents should continue to be sent from the Board office. In the case of a renewal that requested surrender of license, and no response is received to the surrender affidavit that was sent from the office, no change will be made to the licensing system--the license will eventually lapse.

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

#E1 Motion Language for New Rules/Amendments

MOTION TO ADJOURN OPEN MEETING 12:15 PM

At approximately 12:15 p.m., motion was made by Melissa Graham and seconded by Anita Parran to adjourn the April 4-6, 2007 meeting. Motion passed, all in favor, none opposed, Gary Sobocinski absent.

DEBRA C. RINGGENBERG, R.PH.
EXECUTIVE DIRECTOR

DATE APPROVED: 12/12/07