

OPEN MINUTES
Missouri Board of Pharmacy
September 12-14, 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 Gary Sobocinski at 11:09 a.m. on September 12, 2007.

Board Members Present

Gary Sobocinski, R.Ph., President
Elaina Wolzak, R.Ph., Vice President
Barbara Bilek, R.Ph., Member
Melissa Graham, R.Ph., Member
Pamela Marshall, R.Ph., Member
James Riddle, R.Ph., Member
Anita Parran, Public Member

Staff Present

Debra Ringgenberg, Executive Director
Tom Glenski, R.Ph., Chief Inspector
Shawn Marshall, R.Ph., Inspector
George McConnell, R.Ph., Inspector

MOTION TO CLOSE 11:10 AM

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 James Riddle to go into closed session at 11:10 a.m. Motion passed 6:0:0:0 with roll call vote as follows:

| | | |
|----------------------------|----------------------------|-----------------------------|
| Elaina Wolzak – yes | Barbara Bilek – yes | Melissa Graham – yes |
| James Riddle – yes | Anita Parran – yes | Pam Marshall - yes |

CURTIS THOMPSON AND SUSAN MCCANN ENTERED THE MEETING ROOM AT 11:56 A.M.

RETURN TO OPEN 1:38 PM

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

COURT REPORTER AND ROBERT ANGSTEAD ENTERED THE MEETING ROOM

#B1 Ryan L. McDearmon, #2005000129, Intern, 4520 Forest Park Ave #D5, Saint Louis, Missouri, 63108, #2006-005598 (Robert Alexander) – The Board reviewed the following:

- Notice Of Felony Disciplinary Hearing
- Complaint

A felony disciplinary hearing was scheduled for September 12, 2007, 1:30 p.m., 1st case on the docket. A court reporter was present and the hearing began at approximately 1:45 p.m., recessed at 1:49 p.m.

MOTION TO CLOSE 1:49 PM

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(1), (3), (5), (7), (13) and (14), RSMo, and under Section 620.010.14(7), RSMo. Seconded by Elaina Wolzak to go into closed session at 1:49 p.m. Motion passed 6:0:0:0 with roll call vote as follows:

| | | |
|---------------------|---------------------|----------------------|
| Elaina Wolzak – yes | Barbara Bilek – yes | Melissa Graham – yes |
| James Riddle – yes | Anita Parran – yes | Pam Marshall - yes |

RETURN TO OPEN 2:03 PM

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

#B1 Ryan L. McDearmon, #2005000129, Intern, 4520 Forest Park Ave #D5, Saint Louis, Missouri, 63108, #2006-005598 (Robert Alexander) – The Board reviewed the following:

- Notice Of Felony Disciplinary Hearing
- Complaint

The felony disciplinary hearing resumed at 2:04 p.m. A court reporter was present, the hearing recessed at approximately 2:13 p.m., resumed at 2:24 p.m., and concluded at 2:27 p.m. A copy of the transcript is on file with the Board of Pharmacy.

MOTION TO CLOSE 2:31 PM

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 Barbara Bilek to go into closed session at 2:31 p.m. Motion passed 6:0:0:0 with roll call vote as follows:

| | | |
|---------------------|---------------------|----------------------|
| Elaina Wolzak – yes | Barbara Bilek – yes | Melissa Graham – yes |
| James Riddle – yes | Anita Parran – yes | Pam Marshall - yes |

THURSDAY, SEPTEMBER 13, 2007

RETURN TO OPEN 9:38 PM

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

RECESS FOR EVENING AT 9:38 P.M.

FRIDAY, SEPTEMBER 14, 2007

RECONVENED OPEN

All parties were present as previously recorded in closed session minutes, except Curtis Thompson, Sid Werges, Mike Kidd, and Barbara Wood; plus Tammy Siebert and visitors as recorded in the visitor register were present this day.

#A1 Approval of Minutes:

1. December 13-16, 2006 Board Meeting

Discussion was held. **Motion was made by Pam Marshall, seconded by Anita Parran to approve the minutes of the December 13-15, 2006 open session meeting as printed. Motion passed 4:0:2:0 with roll call vote as follows:**

| | | |
|-------------------------------|--------------------------------|-----------------------------|
| Elaina Wolzak – yes | Barbara Bilek – abstain | Melissa Graham – yes |
| James Riddle – abstain | Anita Parran – yes | Pam Marshall - yes |

2. July 31, 2007 Conference Call Meeting

Discussion was held. **Motion was made by Barbara Bilek, seconded by James Riddle, to approve the minutes of the July 31, 2007 open session conference call meeting as printed. Motion passed 5:0:1:0 with roll call vote as follows:**

| | | |
|----------------------------|----------------------------|-------------------------------|
| Elaina Wolzak – yes | Barbara Bilek – yes | Melissa Graham – yes |
| James Riddle – yes | Anita Parran – yes | Pam Marshall - abstain |

3. August 16, 2007 Conference Call Meeting

Discussion was held. **Motion was made by Melissa Graham, seconded by Barbara Bilek, to approve the minutes of the August 16, 2007 open session conference call meeting as printed. Motion passed 5:0:1:0 with roll call vote as follows:**

| | | |
|----------------------------|----------------------------|-------------------------------|
| Elaina Wolzak – yes | Barbara Bilek – yes | Melissa Graham – yes |
| James Riddle – yes | Anita Parran – yes | Pam Marshall - abstain |

#A2 Agenda Additions/Corrections

Debra Ringgenberg reported on various additions and corrections to the open session agenda, including that item #D3 will be postponed for discussion during the December 2007 meeting.

#D3 Drug Distributor Advisory Committee Appointments – The Board reviewed the following:

- Letter to Michael Novak dated 8/17/07

- Letter to R. Michael Bach dated 8/17/07
- R. Michael Bach curriculum vitae
- Drug Distributor Advisory Committee Member List

#A3 Board Member Report

Elaina Wolzak and Debra Ringgenberg reported on their attendance at the National Association of Chain Drug Stores (NACDS) conference in Boston, Massachusetts, in August 2007.

Gary Sobocinski reported that Elaina Wolzak, Debra Ringgenberg, Tom Glenski, and he attended a Joint Rulemaking Committee meeting August 29, 2007 with representatives of the Board of Healing Arts regarding promulgation of the viral influenza vaccination regulation. The next Committee meeting is scheduled for September 19, 2007.

Debra Ringgenberg reported that Gary Sobocinski, Elaina Wolzak, and she will be attending the NABP Fall Legislative Conference September 16-18, 2007, in Arlington, Virginia.

Debra Ringgenberg reported that the Board will have representation at the MPA Fall Conference and District VI meetings in October.

#A4 Board Member Update to phone, address, e-mail, fax # - There were no updates reported.

#A5 General Administration Report – The Board reviewed the following:

- FY2007 Monthly Fund Balance Sheet – Debra Ringgenberg reported regarding a shortage in the projected 5-year fund balance and the need for a fee increase. Gary Sobocinski reported regarding vehicle replacement. **Motion was made by Anita Parran, seconded by Elaina Wolzak, to approve the decision item to pursue additional office staff FTE, and to begin the process to pursue fee increases. Motion passed, all in favor, none opposed.**
- State Board Newsletter Estimated Expenses – Tom Glenski provided a verbal report regarding the Board’s move from mailing to electronic quarterly newsletters. The office is currently collecting pharmacy’s email addresses on pharmacy renewals, and NABP’s site will be operational November 1, 2007. November 2007 will be the last printed Newsletter to pharmacies. It is anticipated February 2008 will be the first electronic newsletter, and May 2008 will be the last printed Newsletter. An electronic newsletter notification versus printed newsletter will result in a cost savings of approximately \$12,000 per year for the Board. Ron Fitzwater of MPA offered to include an article in the weekly MPA newsletter regarding this change.
- Proposed Legislation – Final Language – Gary Sobocinski reported on specific changes to the proposed legislation. Debra Ringgenberg reported this information had been reviewed at the July 2007 meeting, and this is a finalized copy of what was submitted to the Division.

#D2 ACPE Site Visits – The Board reviewed the following:

- Letter from NABP/ACPE dated 8/15/07

Elaina Wolzak reported regarding her previous experience on a site visit at STLCOP, and Doug Lang reported regarding his participation in a site visit at UMKC. Gary Sobocinski requested Board member volunteers to serve on the next site visit team depending on which college is accredited this year.

#D4 Remote Pharmacy Services – The Board reviewed the following:

- Memo regarding remote pharmacy services possible rule changes

Gary Sobocinski and Tom Glenski reported and responded to questions by Board members. Bert McClary reported regarding hospice use of this type of service. This item was tabled for further discussion later in the meeting.

#D1 Expedited Partner Therapy – Department of Health and Senior Services Presentation –The Board reviewed the following:

- Inspector Mike Kidd's memo dated 3/30/07

Michael Herbert, Chief of Bureau of HIV, STD and Hepatitis, Division of Community and Public Health, Department of Health and Senior Services, provided a verbal presentation regarding the Expedited Partner Therapy program. Mr. Herbert responded to questions/comments by Board members, Debra Ringgenberg, and Tom Glenski. It was the general consensus of the Board that they are supportive of this program, but reiterated that a physician/patient relationship must exist in this situation.

#DH6 Centers for Medicare and Medicaid Services (CMS) – Tamper-Resistant Prescription Pads – Department of Social Services (DSS) Presentation –The Board reviewed the following:

- Online letter from CMS dated 8/17/07
- Online notes from MO DSS

Mo-Net's George Oestreich and Jane Zimmer provided a verbal presentation on this subject. The requirements are very frustrating for Mo-Net's office and everyone involved. Debra Ringgenberg reported that that Board of Pharmacy does not intend to inspect/audit for use of tamper-resistant prescription pads. Mr. Oestreich and Ms. Zimmer responded to questions/comments by those present.

#DH7 Immunization Regulation – The Board reviewed the following:

- Proposed language drafted by joint rulemaking committee
- Information gathered in support of regulation (provided by MPA)

Gary Sobocinski and Debra Ringgenberg reported and responded to questions by Board members regarding the proposed viral influenza vaccination per protocol regulation. Ron Fitzwater expressed his appreciation to the Board for its work on the proposed regulation. **Motion was made by James Riddle, seconded by Anita Parran, to approve the proposed viral influenza vaccination regulation as printed. Motion passed, all in favor, none opposed.**

Motion was made by Anita Parran, seconded by Barbara Bilek, to process this regulation through the emergency rulemaking process. Motion passed, all in favor, none opposed.

#DH8 Well-Being Committee Implementation/Appropriation Request - Discussion
Discussion was held. Motion was made by Melissa Graham, seconded by James Riddle, to proceed with pursuing an appropriation request for the well-being program. Motion passed, all in favor, none opposed.

#D4 Remote Pharmacy Services – Discussion resumed. It was the Board's consensus to approve the proposed changes in items 1-3 of the memo regarding remote services; office staff is to proceed with drafting a proposed amendment. Regarding standards of practice, it was the Board's consensus to proceed with drafting a regulation amendment regarding items 1-3, not item 4. Discussion was held regarding proposed changes to the patient counseling regulation. It was the Board's consensus to proceed with drafting a regulation amendment regarding item 1, but not to pursue item 2.

#D5 Drop Site Policy Review – The Board reviewed the following:

- Memo from Executive Director dated 8/25/07

It was the consensus of the Board to table discussion of this item to the December 2007 meeting.

THE FOLLOWING ITEM WAS REVIEWED IN SECTION E, WHICH REQUIRED NO ACTION OR DISCUSSION.

#E1 Motion Language for New Rules/Amendments

MOTION TO ADJOURN 11:43 AM

At approximately 11:43 a.m., motion was made by Melissa Graham, seconded by James Riddle, to adjourn the September 12-14, 2007 meeting. Motion passed, all in favor, none opposed.

DEBRA C. RINGGENBERG, R.PH.
EXECUTIVE DIRECTOR

DATE APPROVED: 2/6/08