

OPEN MINUTES
Missouri Board of Pharmacy
February 6-7, 2008
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 8:32 a.m. on February 6, 2008.

Board Members Present

Gary Sobocinski, R.Ph., 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

Board Members Absent

Elaina Wolzak, R.Ph., Vice President

Staff Present

Debra Ringgenberg, R.Ph., Executive Director
Tom Glenski, R.Ph., Chief Inspector
Shawn Marshall, R.Ph., Inspector
George McConnell, R.Ph., Inspector
Frank VanFleet, R.Ph., Inspector
Tammy Siebert, Executive I

Others Present

Susan McCann, BNDD
Bert McClary, BNDD
Visitors as recorded in the visitor register

#A1 Approval of Minutes:

1. September 12-14, 2007 Board Meeting

Discussion was held. **Motion was made by Anita Parran, seconded by Pam Marshall, to approve the minutes of the September 12-14, 2007 open session meeting as printed. Motion passed, none opposed, Elaina Wolzak absent.**

2. January 16, 2008 Conference Call Meeting

Discussion was held. **Motion was made by Barbara Bilek, seconded by James Riddle, to approve the minutes of the January 16, 2008 open session conference call meeting as printed. Motion passed, none opposed, Elaina Wolzak absent.**

#A2 Agenda Additions/Corrections

Tom Glenski reported that there is additional handout information for Item #A5; Items #C1 and #D1 will not be reviewed due to prior review during the January 30, 2008, conference call; and new Items #DH7, #DH9, #DH10, and #DH11 have been added as handouts.

#C1 20 CSR 2220-6.050 Administration of Influenza Vaccines Per Protocol

- Comments from Nicole Gattas, Saint Louis College of Pharmacy
- Comments from Board of Pharmacy Chief Inspector Tom Glenski
- Comments from Michelle Cope, National Association of Chain Drug Stores

#D1 20 CSR 2220-6.050 Administration of Influenza Vaccines Per Protocol and 20CSR 2150-5.025

- Proposed emergency rule language
- Committee responses to comments on the rule

#A3 Board Member Report

Debra Ringgenberg reported that she and Elaina Wolzak attended NABP's Multistate Pharmacy Jurisprudence Exam (MPJE) State Specific Review in Ft. Lauderdale, Florida, January 10-13, 2008.

Ms. Ringgenberg reported regarding her, Gary Sobocinski and Elaina Wolzak's attendance at NABP's Fall Legislative Conference in Arlington, VA, September 16-18, 2008.

Ms. Ringgenberg reported that the Board would have representation at the MSHP/KSHP Joint Meeting April 26-28, 2008; requested volunteers to attend the NABP Annual Meeting in Baltimore, Maryland, May 17-21, 2008; and reported that Barbara Bilek will be representing the Board at the ACPE Site Visit of St. Louis College of Pharmacy on February 26-28, 2008.

Gary Sobocinski reported that he is scheduled to present a controlled substance talk at St. Louis College of Pharmacy April 11, 2008, and again at Southern Illinois University at Edwardsville on April 15, 2008.

Gary Sobocinski reported that the Board's annual strategic planning meeting will be held March 26-28, 2008, and requested Board members provide their top three discussion items.

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

#A5 General Administration Report – The Board reviewed:

- a) Fee increase proposals approved during the 1/16/08 conference call meeting.

Gary Sobocinski and Debra Ringgenberg provided verbal reports concerning proposed fee increases previously approved by the Board. Discussion was held.

- b) Legislative Update

- President Sobocinski and Debra Ringgenberg reported that HB1332 requires notice for pharmacy inspections/audits, and that work is being done to amend this language. Barbara Bilek reported how HB1332 pertains to hospital records.

- Missouri Pharmacy Association's Ron Fitzwater provided a verbal report about work being done on other legislation.
- Susan McCann reported regarding the status of HB1619 and SB732 involving the Prescription Drug Monitoring Program, and that no testimony was provided in opposition at the hearing last week.
- President Sobocinski reported there are several bills regarding pharmacist immunity and right to refuse dispensing. Debra Ringgenberg inquired if the Board has a specific position on these types of legislation; no specific position indicated.
- Barbara Bilek commented regarding legislation involving nurse practitioners' ability to prescribe. Discussion was held also regarding psychologists' prescribing authority. Susan McCann reported.

c) Board Meeting Dates 2008 – revised

Gary Sobocinski reported that the Board previously approved the December 2008 meeting be held November 19-21, 2008, instead.

#D4 Commonwealth Medicine – University of Massachusetts Medical School (Clinical Pharmacy Services), 333 South Street, Shrewsbury, Massachusetts 01545 – The Board reviewed:

- Intern Training Pharmacy Application – Special Site

Discussion was held. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve for 500 hours. Motion passed, all in favor, none opposed, Elaina Wolzak absent.**

#D5 St. Johns/St. Francis Hospital, 100 W Highway 60, Mountain View, Missouri 65548
- The Board reviewed:

- Intern Training Pharmacy Application – Special Site

Discussion was held. **Motion was made by James Riddle, seconded by Barbara Bilek, to approve for 500 hours. Motion passed, all in favor, none opposed, Elaina Wolzak absent.**

#D6 Fleming Pharmaceuticals, 1733 Gilsinn Lane, Fenton, Missouri 63026 – The Board reviewed the following:

- Intern Training Pharmacy Application – Special Site

Discussion was held. Tom Glenski reported that there is not a licensed pharmacist listed as a preceptor on this application. It was consensus of the Board to table a decision on this application and communicate to Fleming Pharmaceuticals that they must correct the application.

#DH7 Missouri State Advisory Council on Pain and Symptom Management – Board appointment of pharmacist to council – The Board reviewed the following:

- Letter from Jane Drummond, DHSS with attachments received January 10, 2008
- Memo from Debra Ringgenberg with attachments dated 1/29/08

Gary Sobocinski reported that Bruce Harrison resigned his position and Debra Ringgenberg is recommending Debra Tesora as Mr. Harrison's replacement. Bert McClary reported that he

has known Ms. Tesoro for many years and she is an excellent pharmacist. **Motion was made by Melissa Graham, seconded by Pam Marshall, to approve appointment of Debra Tesoro to the Missouri State Advisory Council on Pain and Symptom Management. Motion passed, all in favor, none opposed, Elaina Wolzak absent.**

#D2 St. Louis College of Pharmacy and University of Missouri-Kansas City College of Pharmacy – The Board reviewed the following:

- List of preceptors and training sites from STLCOP received
- List of preceptors and training sites from UMKC received

Tricia Berry and Wendy Duncan-Hewitt were present from STLCOP at the meeting and responded to questions by Board members and staff. Tricia Berry reported that a few years ago they visited every training site annually, are again attempting to do it, and that they verify all out-of-state licenses. The STLCOP listing did not provide pharmacy permit numbers and addresses and were not verified by office staff. **Motion was made by Pam Marshall, seconded by Barbara Bilek, to approve St. Louis College of Pharmacy's preceptor/training site list as printed. Motion passed, all in favor, none opposed, Elaina Wolzak absent.**

Valerie Ruether and Robert Piepho were present from UMKC and responded to questions by Board members and staff. Ms. Ruether reported that the list printed in the agenda was not a complete list; copies of UMKC's complete lists were distributed to the Board members. It was Board consensus to review the revised lists at the Board's March retreat meeting after office staff has verified licensure.

President Sobocinski inquired if the schools are providing immunization training certification. STLCOP and UMKC reported concerning their processes and it is likely they are ACPE approved. If not, they must be approved by the Board.

CURTIS THOMPSON ENTERED THE MEETING AT 10:30 A.M.

Valerie Reuther inquired regarding a professor that is wanting to conduct an intern training experience in Honduras during the summer. It was Board consensus that an intern training special site application must be submitted for Board approval.

Tricia Berry inquired regarding additions to the preceptor/site listing that is approved annually. It was Board consensus that additions could be handled via conference calls or at the upcoming retreat meeting. Ms. Reuther indicated UMKC would also have a list of additions.

Tom Glenski asked the school representatives concerning possibly changing and limiting the patient counseling regulation to externs and pharmacists. Representatives from both schools indicated students observe patient counseling during the third collegiate year.

Representatives from STLCOP and UMKC left the meeting room at 10:55 a.m.

#D8 Administration by Medical Prescription Order – The Board reviewed the following:

- Memo from Tom Glenski dated 1/25/08

- CMS/Medicare Bulletin

Tom Glenski reported that cleanup revisions are being suggested to make it similar to the influenza vaccination regulation. Discussion was held. **Motion was made by Barbara Bilek, seconded by Anita Parran, to approve revisions as printed and proceed with filing as a new proposed regulation as printed. Motion passed, all in favor, none opposed, Elaina Wolzak absent.**

Tom Glenski provided information concerning the need to process this regulation as an emergency rule. Discussion was held. Walgreens' Dennis Hunt spoke concerning the issue of Zostravax storage and nurse practitioner administration. He will provide a list of clinics that currently administer Zostravax for Walgreens. **Motion was made by Barbara Bilek, seconded by James Riddle, to process this proposed regulation as an emergency regulation. Motion passed, all in favor, none opposed, Elaina Wolzak absent.**

#DH9 Dept. of Veterans Affairs Medical Center, 915 N Grand Blvd, Saint Louis, Missouri 63106 – The Board reviewed the following:

- Intern Training Pharmacy Application – Special Site

Discussion was held. **Motion was made by James Riddle, seconded by Barbara Bilek, to approve this application for 500 hours. Motion passed, all in favor, none opposed, Elaina Wolzak absent.**

#DH10 ISMP Error Reporting Program – The Board reviewed the following:

- Sample data print

Tom Glenski reported that the Board at the 2007 retreat meeting asked office staff to research an error reporting system. Discussion was held. Errors reported in quality assurance and public complaints are considered sources for the ISMP database. **Motion was made by James Riddle, seconded by Anita Parran, to approve submitting error information to ISMP. Motion passed, all in favor, none opposed, Elaina Wolzak absent.**

#DH11 Alternative Standards of Care

Debra Ringgenberg provided a verbal report on the meeting she attended regarding disaster planning. Discussion was held. Ms. Ringgenberg requested Board member input on this topic, as she should provide proposed language for use in Executive Orders issued by the Governor on this topic.

Electronic Newsletter

Tom Glenski inquired if everyone who signed up had received an electronic newsletter notification. No pharmacists had personally received it; only pharmacies.

Dennis Hunt inquired of the Board regarding a question he had about Class D Compounding permit classification. Curtis Thompson advised that because this topic had not been posted on the meeting notice, it could not be discussed at this time.

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

#E1 Motion Language for New Rules/Amendments

RECESS FOR LUNCH 11:30 A.M. TO 12:35 P.M.

ELAINA WOLZAK ENTERED THE MEETING ROOM AT 12:05 P.M.

#D3 Regina Divine – 10-Year Service Award

Debra Ringgenberg recognized Regina Divine for ten years of dedicated service to the Board of Pharmacy.

REGINA DIVINE LEFT THE MEETING ROOM AND THE COURT REPORTER ENTERED THE ROOM AT 12:45 P.M.

#B1 Mark P. Tyler, #044592, #2007-001369-F1 – The Board reviewed:

- Notice Of Felony Disciplinary Hearing
- Complaint

A felony disciplinary hearing was scheduled for February 6, 2008, at 1:00 p.m., first case on the docket. A court reporter was present and the hearing began at 1:00 p.m. The Board was represented by Jennifer Gardner and Rex Fennessey of the Attorney General's Office, and Mark Tyler was present without counsel, and concluded at approximately 1:50 p.m. A copy of the transcript is on file with the Board of Pharmacy.

RECESS FOR BREAK 1:50 – 2:05 PM

MOTION TO CLOSE 2:05 PM

Barbara Bilek 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 2:05 p.m. Motion passed, all in favor, none opposed.

ALL MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 2:06 PM

THURSDAY, FEBRUARY 7, 2008

RETURN TO OPEN 9:15 AM

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

#D2 St. Louis College of Pharmacy and University of Missouri-Kansas City College of Pharmacy

Discussion was held. Motion was made by Barbara Bilek, seconded by James Riddle, to approve the UMKC list of intern training sites and preceptors as presented at yesterday's meeting. Motion passed, all in favor, none opposed.

MOTION TO CLOSE

Melissa Graham 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 at 9:26 a.m. Motion passed, all in favor, none opposed.

RETURN TO OPEN

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at 7:00 p.m.

MOTION TO ADJOURN

At approximately 7:00 p.m., motion was made by Melissa Graham, seconded by James Riddle, to adjourn the February 6-7, 2008 meeting. Motion passed, all in favor, none opposed.

THOMAS M. GLENSKI, R.PH.
CHIEF INSPECTOR

DATE APPROVED: 11/18/08