

OPEN MINUTES
Missouri Board of Pharmacy
July 9-10, 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 8:35 a.m. on July 9, 2008.

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, R.Ph., Executive Director
Tom Glenski, R.Ph., Chief Inspector
Mike Kidd, R.Ph., Inspector
George McConnell, R.Ph., Inspector
Shawn Marshall, R.Ph., Inspector
Steven Smith, R.Ph., Inspector
Sid Werges, R.Ph., Inspector
Tammy Siebert, Executive I

Others Present

Visitors as recorded in the visitor register

MOTION TO CLOSE 8:36 AM

At 8:36 a.m. Anita Parran made a motion, seconded by Melissa Graham, 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. Motion passed, all in favor, none opposed.

ALL MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 8:36 AM.

RETURN TO OPEN

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 9:31 a.m.

ALL MEMBERS OF THE PUBLIC RETURNED TO THE MEETING ROOM

#BH2 Martin J Hinterlong, #042595, #2004-004487-V1 – The Board reviewed the following:

- Unopposed Motion for Continuance received 6/27/08
- Response to Unopposed Motion for Continuance entered 7/3/08

#BH3 Medicine Shoppe, #005448, #2005-000979-V1 – The Board reviewed the following:

- Unopposed Motion for Continuance received 6/27/08
- Response to Unopposed Motion for Continuance entered 7/3/08

Discussion was held concerning Respondents' motions for continuance. **Motion was made by Elaina Wolzak, seconded by Anita Parran, to deny the continuance requests for these two hearings. 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

Discussion was held concerning Respondents' motions to dismiss. **Motion was made by James Riddle, seconded by Barbara Bilek, to deny the motions to dismiss for these two cases. 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

Discussion was held concerning request to amend open agenda to allow an appearance tomorrow. **Motion was made by Elaina Wolzak, seconded by Barbara Bilek, to deny the request due to lack of sufficient time, and offer that they may renew their request for the September meeting. 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

#B6 Kristina (Strobel) Stark, #2002022650 - Discussion was held concerning Kristina Stark's request to change her hearing date to tomorrow due to car trouble she's having. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to deny the request for continuance. Motion failed 0:5:1:0, with roll call vote as follows:**

Elaina Wolzak – abstain	Barbara Bilek – no	Melissa Graham – no
James Riddle – no	Anita Parran – no	Pam Marshall - no

Further discussion was held. **Motion was made by James Riddle, seconded by Anita Parran, to reconsider Kristina Stark's request for continuance later in the**

meeting if the Attorney General's representative and court reporter are available.
Motion passed 5:0:1:0, with roll call vote as follows:

Elaina Wolzak – abstain

Barbara Bilek – yes

Melissa Graham – yes

James Riddle – yes

Anita Parran – yes

Pam Marshall - yes

#A2 Agenda Additions/Corrections – President Sobocinski reported regarding additional handout items for Items #A5, #B2, #B3, and #C1.

#A3 Board Member Report – Pam Marshall reported that she, Debra Ringgenberg, Jim Riddle, and Elaina Wolzak attended the NABP Annual Meeting in Baltimore, MD, on May 17-20, 2008. Deb Ringgenberg reported that one of the NABP resolutions was to work with the schools of pharmacy to get uniformity regarding student classifications.

Pam Marshall reported that she and Elaina Wolzak attended the Annual MPA Convention in St. Louis, MO, June 12-15, 2008.

Debra Ringgenberg reported that she attended the DEA Conference in Charleston, SC, June 17-19, 2008.

#A4 Board Member Update to phone, address, e-mail, fax # - Barbara Bilek reported she has a new cell phone number, which will be provided to Board staff.

#A5 General Administration Report:

1. Legislative update - 338.013; 338.220; 338.057

President Sobocinski and Debra Ringgenberg provided verbal reports regarding proposed changes to Section 338.220. Doug Lang inquired about the use of the words “drugs” by protocol, and suggested using “drugs, vaccines, and biologicals by protocol” instead of only “drugs.” **Motion was made by James Riddle, seconded by Barbara Bilek, to approve the proposed legislation as printed, with the amendment as provided by Doug Lang. Motion passed, all in favor, none opposed.**

2. FY2008 YTD Financial Summary – Debra Ringgenberg provided a verbal report and indicated the Well-Being Committee will be funded in FY2009 and the Board is ready to begin drafting regulations for implementation of the program. In addition, Division-wide proposals are being discussed to address the increase a gasoline costs for the FY10 budget.

#C1 20 CSR 2220-6.040 Administration by Medical Prescription Order – The Board reviewed the following:

- Comments from National Association of Chain Drug Stores
- Copy of final rule language from Missouri Register

Discussion was held. Gary Sobocinski and Debra Ringgenberg reported. **Motion was made by Elaina Wolzak, seconded by Pam Marshall, to approve 20 CSR 2220-6.040 Administration by Medical Prescription Order for final order of rulemaking. Motion passed, all in favor, none opposed.**

#D1 MedTrak Services, 7101 College Blvd, Suite 1000, Overland Park, Kansas 66210 – The Board reviewed the following:

- Intern Training Pharmacy Application – Special Site

Motion was made by Elaina Wolzak, seconded by Barbara Bilek, to approve this intern training special site application for 500 hours. Motion passed, all in favor, none opposed.

#D2 Preceptor and Intern Training Site Updates – The Board reviewed the following:

- UMKC July updates
- StLCOP July updates

Discussion was held. **Motion was made by Elaina Wolzak, seconded by James Riddle, to approve the St. Louis College of Pharmacy and University of Missouri-Kansas City School of Pharmacy intern training preceptors/sites updates as presented. Motion passed, all in favor, none opposed.**

#D3 Affiliated Computer Services (ACS), Health Management Solutions, 2810 N Parham, Richmond, Virginia 23294; Preceptor – Janelle V Sheen, Pharm D, 16974 Riverdale Drive, Chesterfield, MO 63005 – The Board reviewed the following:

- Intern Training Pharmacy Application – Special Site

Discussion was held. President Sobocinski commented that it is not clear where the student will attend training, and that it appears the site is located at the preceptor's home address. **Motion was made by Anita Parran, seconded by Barbara Bilek, to deny this intern training special site application due location in a residence. Motion passed, all in favor, none opposed.**

#B6 Kristina (Strobel) Stark, #2002022650 – Tom Glenski reported that the Assistant Attorney General and court reporter are available to hold this hearing tomorrow afternoon. Discussion was held regarding Kristina Stark's request for continuance. **Motion was made by James Riddle, seconded by Anita Parran, to continue Kristina Stark's hearing to Thursday, July 10th, at 3:00 p.m. Motion passed, all in favor, except Barbara Bilek opposed, Elaina Wolzak abstained.**

BARBARA WOOD ENTERED THE MEETING ROOM AT 11:02 A.M.

#A5 General Administration Report:

Debra Ringgenberg provided a verbal report that the Keeter Center is not available on the dates the Board originally approved for the 2009 Retreat meeting. By consensus, March 25-27, 2009, was approved as alternative dates.

MOTION TO CLOSE 11:07 AM

At 11:07 a.m. Barbara Bilek made a motion, seconded by Elaina Wolzak, 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. Motion passed, all in favor, none opposed.

ALL MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 11:07 AM.

RETURN TO OPEN

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 1:23 p.m.

COURT REPORTER ENTERED THE MEETING ROOM AT 1:23 P.M., AS DID MEMBERS OF THE PUBLIC.

#B1 Luke R. Kampschmidt, #2006001411 (intern), #2006-005391-V1 – The Board reviewed:

- Notice Of Hearing on Violation of Disciplinary Order
- Complaint

A violation of discipline hearing was scheduled for July 9, 2008, at 1:30 p.m., first case on the docket. A court reporter was present and the hearing began at 1:31 p.m. The Board was represented by Loretta Schouten, and neither Luke Kampschmidt nor his legal counsel were present. The hearing concluded at approximately 1:36 p.m. A copy of the transcript is on file with the Board of Pharmacy.

#B2 Martin J. Hinterlong, #042595, #2004-004487-V1- The Board reviewed:

- Notice Of Hearing on Violation of Disciplinary Order
- Probation Violation Complaint

A violation of discipline hearing was scheduled for July 9, 2008, at 1:30 p.m., second case on the docket. A court reporter was present and the hearing began at 1:38 p.m. The Board was represented by Loretta Schouten, and Martin Hinterlong and his legal counsel, Robert Hess, were present. Robert Hess provided additional information regarding his motion to dismiss, motion to continue and motion to quash deposition. During the hearing, the Board voted to deny Mr. Hinterlong's request for continuance--see transcript for vote. Ms. Schouten requested the Board combine the case against Martin Hinterlong with the case against his pharmacy, Medicine Shoppe; Mr. Hess opposed and without agreement of the parties, Curt Thompson advised the hearings must be held separately. The Martin Hinterlong hearing proceeded and recessed at 5:27 p.m. in order to convene other hearings with the intent to resume the violation of discipline hearing concerning Martin Hinterlong.

#B5 Dennis J. Berding, #028754, #05-1789 PH – The Board reviewed:

- Notice Of Disciplinary Hearing
- Complaint
- Answer to Complaint
- Joint Stipulation of Facts and Proposed Conclusions of Law
- Consent Order

A disciplinary hearing was scheduled for July 9, 2008, at 3:00 p.m., second case on the docket. A court reporter was present and the hearing began at 5:34 p.m. The Board was represented by Jane Rackers, and Dennis Berding and his legal counsel, Johnny Richardson, were present. The hearing concluded at approximately 6:45 p.m. A copy of the transcript is on file with the Board of Pharmacy.

MOTION TO CLOSE 6:57 PM

At 6:57 p.m. Pam Marshall made a motion, seconded by James Riddle, 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. Motion passed, all in favor, none opposed.

ALL MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 6:57 PM

RETURN TO OPEN

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 7:07 p.m.

ALL PARTIES, INCLUDING THE COURT REPORTER AND MEMBERS OF THE PUBLIC, RETURNED TO THE MEETING ROOM AT 7:08 P.M.

#B2 Martin J. Hinterlong, #042595, #2004-004487-V1

#B3 Medicine Shoppe, #005448, #2005-000979-V1

Motion was made by Pam Marshall, seconded by Anita Parran, to recess the Martin Hinterlong violation of discipline hearing, and to continue the Medicine Shoppe, permit #5448, violation of discipline hearing to the September meeting. Motion passed all in favor, none opposed.

#B4 Frances Elizabeth Lowe, Technician #2007035963, #2008-000831-V1 – The Board reviewed:

- Notice Of Hearing on Violation of Disciplinary Order
- Probation Violation Complaint

A violation of discipline hearing was scheduled for July 9, 2008, at 3:00 p.m., first case on the docket. A court reporter was present and the hearing began at 7:20 p.m. The Board was represented by Jane Rackers, and neither Frances Lowe nor her legal counsel were present. The hearing concluded at approximately 7:37 p.m. A copy of the transcript is on file with the Board of Pharmacy.

MOTION TO CLOSE 7:43 PM

At 7:43 p.m. Barbara Bilek made a motion, seconded by Pam Marshall, 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. Motion passed, all in favor, none opposed, and Elaina Wolzak absent.

COURT REPORTER AND ALL MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 7:43 PM.

THURSDAY, JULY 10, 2008

RETURN TO OPEN

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session AT 1:46 p.m.

COURT REPORTER ENTERED THE MEETING ROOM AT 2:57 P.M.
GARY SOBOCINSKI RETURNED TO CHAIR THE MEETING.

#B6 Kristina (Strobel) Stark, #2002022650, #07-1904 PH – The Board reviewed:

- Notice Of Disciplinary Hearing
- Complaint
- Answer to Complaint
- Petitioner's Motion or Partial Summary Determination and Suggestions in Support
- Answer to Petition
- Order Granting Partial Summary Determination
- Motion to Dismiss
- Decision

A disciplinary hearing was originally scheduled for July 9, 2008, at 4:30 p.m., first case on the docket, but because Ms. Stark had car problems, the Board continued the hearing to July 10, 2008, at 3:00 p.m. A court reporter was present and the hearing began at 3:01 p.m. The Board was represented by Jennifer Gardner; Kristina Stark was present without legal counsel. The hearing concluded at approximately 3:45 p.m. A copy of the transcript is on file with the Board of Pharmacy.

MOTION TO CLOSE 4:00 PM

At 4:00 p.m. Pam Marshall made a motion, seconded by James Riddle, 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. Motion passed, all in favor, none opposed.

RETURN TO OPEN

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 5:15 p.m.

#A5 General Administration Report - Debra Ringgenberg and Tammy Siebert reported regarding a change in the dates of the November 2008 meeting because of legal counsel's scheduling conflict. Courtyard by Marriott is able to accommodate us November 18-20 (Tuesday-Thursday) instead of Wednesday-Friday. Open session will

be held Wednesday for consistency purposes for the public. A revised meetings list will be sent when the hotel contract is finalized.

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

#E1 Motion Language for New Rules/Amendments

MOTION TO ADJOURN

At approximately 5:20 p.m., motion was made by Pam Marshall, seconded by Barbara Bilek, to adjourn the July 9-10, 2008, meeting. Motion passed, all in favor, none opposed.

KIMBERLY A GRINSTON
EXECUTIVE DIRECTOR

DATE APPROVED: 11/18/09