

OPEN MINUTES
Missouri Board of Pharmacy
January 28-29, 2009
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 James Riddle at 1:00 p.m. on January 28, 2009.

Board Members Present

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

Staff Present

Kimberly Grinston, 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
Frank VanFleet, R.Ph., Inspector
Sid Werges, R.Ph., Inspector
Tammy Siebert, Executive I

Staff Absent

Barbara Wood, Inspector

Others Present

Curtis Thompson, Legal Counsel
Visitors as recorded in the visitor register

MOTION TO CLOSE 1:02 PM

At 1:02 p.m. Elaina Wolzak 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 324.001.8, RSMo. Motion passed, all in favor, none opposed.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 1:02 PM.

RETURN TO OPEN

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 1:41 p.m.

MEMBERS OF THE PUBLIC RETURNED TO THE MEETING ROOM.

#A2 Agenda Additions/Corrections – Kim Grinston reported regarding additional handout items for Items #AH5, plus new cases at #DH27-29, and Item #D2 has been cancelled due to inclement weather.

#D2 Strategic National Stockpile – The meeting scheduled for January 28, 2009, at 4:00 p.m. was cancelled due to inclement weather.

#A1 Approval of Minutes:

1. December 3, 2008 Conference Call Meeting

Discussion was held. **Motion was made by Gary Sobocinski, seconded by Melissa Graham, to approve the minutes of the December 3, 2008 open session conference call meeting as printed. Motion passed, all in favor, none opposed, Elaina Wolzak and Barbara Bilek abstained.**

#A3 Board Member Report – Nothing reported.

#A4 Board Member Update to Phone, Address, E-mail, Fax # - None reported.

#DH27 Board Member and Board Employee Recognition –

Gary Sobocinski and Elaina Wolzak – Tom Glenski presented plaques to Gary Sobocinski and Elaina Wolzak for their ten years of service to the Board.

Melissa Graham – Tom Glenski presented Melissa Graham a plaque recognizing her five years of service to the Board.

Mike Kidd – Tom Glenski recognized Mike Kidd for his 25 years of service to the Board, and presented him with a couple of gifts from the Board and staff.

#D1 Intern Training Sites – Annual Review/Approval – The Board reviewed:

- StLCOP Intern Training Sites Listing
- StLCOP Preceptor Listing
- UMKC Intern Training Sites Listing
- UMKC Preceptor Listing

Valerie Ruether and Mary Euler were present representing UMKC and Tricia Berry was present representing STLCOP for the schools' annual meeting with the Board. Discussion was held. Tom Glenski commented that on the STLCOP site listing, the 375th Medical Group Pharmacy and U.S. Medical Center for Federal Prisoners will need

to submit special site applications because they are federal facilities, and Correctional Medical Services and PharmaCorr will also need special site applications. Mineral Area Regional Medical Center has recently undergone a change of ownership, so they will need to apply for a new permit. **Motion was made by Gary Sobocinski, seconded by Elaina Wolzak, to approve the STLCOP site list, except the five entities previously named. Motion passed, all in favor, none opposed. Motion was made by Elaina Wolzak, seconded by Anita Parran, to approve the STLCOP preceptor list as printed. Motion passed, all in favor, none opposed.**

Tom Glenski commented that on the UMKC site listing, Central Iowa Compounding, CVS Management Rotation in Paducah, National Community Pharmacists Assn (NCPA), and Kwajalein Hospital at Marshall Islands will need to submit special site applications, National Standards is not a pharmacy and Lafayette Regional Medical Center no longer has a pharmacy permit with the Board so they will also need to submit special site applications, and Mineral Area Regional Medical Center has recently undergone a change of ownership, so it will need to apply for a new permit. **Motion was made by Elaina Wolzak, seconded by Gary Sobocinski, to approve the UMKC site list, except the sites specifically previously named. Motion passed, all in favor, none opposed. Motion was made by Elaina Wolzak, seconded by Melissa Graham, to approve the UMKC preceptor list as printed. Motion passed, all in favor, none opposed.**

Valerie Ruether presented information concerning the need to change the Board's regulation due to new ACPE standards involving practical experience interns are receiving. Tom Glenski reported that the Board plans to open the regulation for revision and will meet with the schools for their input.

Questions by Board members and Tom Glenski. STLCOP commented they are still planning for a 7-yr program possibly by 2011. UMKC commented that they are looking at a 2/4.5 year program due to new ACPE standards.

STLCOP and UMKC are still conducting site/preceptor surveys with their interns, and are getting good remarks; no major changes have been implemented. Repeated bad reviews justify action by the school on the site/preceptor. UMKC commented that they individually interview the intern when bad comments are submitted.

#A5 General Administration Report:

a. Legislative Report:

- i. GovWatch – Kim Grinston reported that she will provide these reports at each meeting.
- ii. 0841-01 / HB 226 abortion-related liability
- iii. 0665-01 pseudoephedrine
- iv. 338.260 RSMo – Kim Grinston reported regarding her meetings with Senator Ridgeway, and Senator Ridgeway's request for a joint resolution of the Board. Elaina Wolzak and Gary Sobocinski suggested that Section 338.260 be used as the tool for making the

change, and leave Section 338.010 as is, and the word “restaurant” should not be specifically used in the legislative proposal. Elaina Wolzak commented that Senator Ridgeway’s office was provided correspondence in 9/08 stating that a resolution is not necessary. President Riddle commented that the Board cannot approve proposed language that it has not yet seen, but wants to maintain open dialog with the Senator and wishes to assist in addressing this issue.

Ron Fitzwater of Missouri Pharmacy Association commented regarding MPA’s opposition to Senator Ridgeway’s proposed changes, and supports the Board’s position on its language proposal. **Motion was made by Anita Parran, seconded by Barbara Bilek, that the Board correspond with Senator Ridgeway indicating that this information has already been submitted to her, we reiterate that letter, and we wish to keep the channels of communication open and want to work with her on this legislative change. pay annual administrative fees up to \$85,000, with one-year contract renewal to be reviewed/approved by the Board. Motion passed, all in favor, none opposed.**

- b. No Tax Due information – Kim Grinston reported about pharmacy and drug distributor new licensure requirements involving Missouri sales tax.
- c. Committee Chairs Named – Kim Grinston reported that Representative Jay Wasson and Senator Delbert Scott are chairing the Professional Registration committees.
- d. Web links for APHA meeting information – Kimberly Grinston asked for Board member volunteers to attend the APHA meeting in San Antonio, Texas, April 3-6, 2009.
- e. Well-Being Committee – Kimberly Grinston asked the Board for guidance as to how it intended for the program to be funded. Discussion was held. It was Board consensus that 100% of the cost be provided by the licensee, including urinalysis testing. Ms. Grinston also suggested adding language to the proposed rule to include “pending available funding.” Elaina Wolzak spoke in favor of participants paying a portion of the administrative fees. **Motion was made by Elaina Wolzak, seconded by Pam Marshall, that the Board pay annual administrative fees up to \$85,000, with one-year contract renewal to be reviewed/approved by the Board. Motion passed, all in favor, none opposed.** Kimberly Grinston asked for clarification regarding anonymous participation in the program, stating that if a person enrolls on their own, the Board will never know their identity, except when they violate their treatment contract, and it would then be processed as a complaint/investigation. It was consensus of the Board that technicians be included for participation in the committee. Ms. Grinston will prepare fiscal notes and finalize the regulations for further review by the Board.

- f. MSHP background check audit – Kim Grinston reported that the Board has been selected to be audited by the Missouri State Highway Patrol as concerns its use and storage of criminal history background check reports.
- g. Annual retreat topics review – Kim Grinston asked the Board to provide strategic planning discussion topics to her by March 1st.
- h. HB600 – Tammy Siebert reported that another 235 technicians are being suspended effective January 15, 2009, due to tax compliance issues. Letters were mailed today and the Board’s website will be updated upon return from Board meeting.

#D3 Technician Supervision by E-Pharmacy - Discussion

Kim Grinston reported and discussion was held. Barbara Bilek cannot support this in a hospital setting. **Gary Sobocinski made a motion to require direct supervision of technicians by a pharmacist in person, in accordance with the existing regulation.** Discussion was held. Bert McClary commented regarding typical hospital use of technicians and the fact that a pharmacist is not always physically present to supervise the technicians, and he cautioned the Board against making a broad blanket statement regarding technician supervision. Curt Thompson and Kim Grinston reported that 20 CSR 2220-2.010 requires pharmacist supervision of technicians. **Motion died for lack of a second.** It was Board consensus for Kim Grinston to send a letter explaining the Board’s regulation provisions.

#D4 Phar 149 Immunizations – Drake University – Tom Glenski reported regarding this request to approve a non-ACPE immunization training program. **Motion was made by Gary Sobocinski, seconded by Elaina Wolzak, to deny approval of this program. Motion passed, all in favor, none opposed.**

#D5 UMKC School of Pharmacy – Ecuador Site, 805 Lewis Hall, Columbia, Missouri 65211 – Intern Training Special Site Application - **Motion was made by Barbara Bilek, seconded by Elaina Wolzak, to approve this intern training special site application for 500 hours. Motion passed, all in favor, none opposed.**

#D6 20 CSR 2220-2.010 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported. Elaina Wolzak questioned (1)(A) and whether drop box situations within the same building would be allowed when it is not dropped into the actual permitted area. It was Board consensus that this be added to the proposed amendment.

Pam Marshall commented that “dispensed” refers to prescriptions already given to patients, and asked if this should be changed to “prepared” or something similar. It was also suggested that “reasonably” or “designed” to “Must be designed to prevent unauthorized...” be added to (1)(H).

#D7 20 CSR 2220-2.016 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D8 20 CSR 2220-2.020 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported and suggested that (6) be changed to allow for out-of-state pharmacists, and (10) should have application and fee language added.

#D9 20 CSR 2220-2.025 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D10 20 CSR 2220-2.032 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D11 20 CSR 2220-2.034 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D12 20 CSR 2220-2.080 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported and suggested addition of language regarding separate system for non-prescription pharmacy records.

#D13 20 CSR 2220-2.090 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported and suggested that “interns and technicians” be added following “pharmacists” at (2)(D), that class change information will be added to (S), and because the Board of Pharmacy and Bureau of Narcotics and Dangerous Drugs are not involved in disposal of drugs, they will be removed from (U).

#D14 20 CSR 2220-2.110 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported that last sentence of (1) will be deleted.

#D15 20 CSR 2220-2.140 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D16 20 CSR 2220-2.150 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D17 20 CSR 2220-2.180 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D18 20 CSR 2220-2.190 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D19 20 CSR 2220-2.300 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D20 20 CSR 2220-2.400 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported and suggested that (8)(C) add a requirement that documentation be required from prescriber indicating recall is not necessary.

#D21 20 CSR 2220-2.800 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D22 20 CSR 2220-5.025 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D23 20 CSR 2220-5.030 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported and suggested that application and fee language will be added to (2)(E), and “monitored” will be added in front of “alarm system” in (C)13.

#D24 20 CSR 2220-5.050 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

#D25 20 CSR 2220-6.030 – The Board reviewed:

- Draft of Proposed Rule Changes

Tom Glenski reported.

It was consensus of the Board to proceed with preparing these rules for amendment and presentation to the Board at a future meeting.

#D26 Eli Lilly and Company, Lilly Corporate Center, Indianapolis, Indiana 46285 – Intern Training Special Site Application – Discussion was held. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve this intern training special site application for 500 hours. Motion passed, all in favor, none opposed.**

#DH28 Out-of-State Manufacturer Registration – The Board reviewed:

- Copy of 338.337, RSMo, and 20 CSR 2220-5.050(4)

- Email communiqué from Drue W. Duncan

Kim Grinston and Tom Glenski reported. Drue Duncan of Pfizer was present and spoke to the Board on this topic. A conference call will be scheduled between Mr. Duncan, Tom Glenski and Kim Grinston. Tom Glenski suggested that one of their facilities located in another state but licensed by our Board can receive the product from the foreign country and then ship it to the Missouri facility.

#DH29 MO HealthNetPharmacy Program, Department of Social Services – Intern Training Special Site Application – The Board reviewed:

- Intern Training Pharmacy Application – Special Site

Discussion was held. **Motion was made by Gary Sobocinski, seconded by Barbara Bilek, to approve this intern training special site application for 500 hours. Motion passed, all in favor, none opposed.**

THE FOLLOWING ITEMS WERE REVIEWED IN SECTION E, WHICH REQUIRED NO ACTION OR DISCUSSION.

#E1 Motion Language for New Rules/Amendments

#E2 FPGEC – 5-Year Program – The Board reviewed:

- Memo from NABP dated 1/5/2009 regarding response to Inquiry from Ryan C. Pekson, Dean, College of Pharmacy, Adamson University
- Email exchange between Ryan Pekson and NABP

MOTION TO CLOSE 5:44 PM

At 5:44 p.m. Pam Marshall 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.

RETURN TO OPEN, JANUARY 29, 2009

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 2:53 p.m. on Thursday, January 29, 2009.

MOTION TO ADJOURN

At approximately 2:54 p.m., motion was made by Barbara Bilek, seconded by Anita Parran, to adjourn the January 28-29, 2009, meeting. Motion passed, all in favor, none opposed, Elaina Wolzak absent.

KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR

DATE APPROVED: 4/21/2011