

**OPEN MINUTES**  
**Missouri Board of Pharmacy**  
**Rules Sub-Committee**  
**Telephone Conference Call**  
**August 21, 2009**

The Missouri Board of Pharmacy Rules Sub-Committee met via telephone conference call 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 meeting was called to order by Executive Director Kimberly Grinston at 9:05 a.m. on August 21, 2009.

**Board Members Present**

Barbara Bilek, R.Ph., Vice President  
Gary Sobocinski, R.Ph., Member  
Elaina Wolzak, R.Ph., Member

**Staff Present**

Kimberly Grinston, Executive Director  
Tom Glenski, Chief Inspector  
Tammy Siebert, Executive I

**Others Present**

Bert McClary, Dept of Health and Senior Services  
Steve Calloway, Missouri Society of Health-System Pharmacists  
Sandra Bollinger, Missouri Pharmacy Association  
Tim Mitchell, Missouri Pharmacy Association

Kimberly Grinston provided a verbal report on the history and reasons for the proposed regulations to be discussed on this conference call, and reminded everyone that this is a starting point and is not an official draft approved by the Board.

**#1 20 CSR 2220-6.040 Administration By Medical Prescription Order**

Barbara Bilek asked if it's necessary to keep second sentence in (3)(D) involving pharmacist use of continuing education hours for pharmacist license renewal. It was consensus to leave it as printed.

Bert McClary questioned if it had been discussed regarding authority to administer in hospital and emergency room practice settings? Barbara Bilek commented regarding hospital situations that this would affect. Steve Calloway also commented specifically regarding the practice involving infusion pumps in a hospital setting. Discussion was held regarding whether the Board recognizes this practice to be encompassed by the rule. It was suggested that a sub-section could be added to this rule to exempt

pharmacists in institutional settings from keeping the records as required by the rule because it duplicates what hospitals are already doing, and also suggested that a subsection be added for pharmacists administering in a hospital setting, explaining exemptions, etc. Barbara Bilek also commented that administering not only by medical prescription order be addressed, but also by medical staff/board order.

Kim Grinston suggested that 20 CSR 2220-6.040 be removed from the emergency rule process and take it back to the Board at the September meeting for further discussion.

Steve Calloway commented that hospital pharmacists don't want to be completely exempted, but the Board may not need to "require", but instead "allow", documentation in other forms such as required by other state licensing entities or federal law/regulation requirements, or possibly even by facility policy/procedure.

Bert McClary read some language he drafted for this issue. He will provide the draft to Kim Grinston via email.

Tom Glenski asked if ACPE continuing education programs are available for hospital-type situations. He also voiced concerns that it's happening outside the actual licensed institutional setting, and we must be careful to not overlook those situations.

It was consensus of the Sub-committee that based on comments and information provided during this conference call, office staff shall go back to the drawing board and come up with a revised draft for future consideration.

## **#2 20 CSR 2220-6.050 Administration of Influenza Vaccines Per Protocol**

Barbara Bilek suggested that "influenza" should be taken out of the title of the rule due to addition of pneumonia, shingles and meningitis to the statute. Bert McClary commented concerning references to "vaccination" should be changed to "administration of vaccine".

Steve Calloway commented that "immunization" is used more often than "vaccination".

Barbara Bilek asked how an Executive Order issued by the Governor will affect this rule. Kim explained that an Executive Order may preempt certain portions of our rule; it just depends on how the Executive Order is worded. Discussion as held.

Tim Mitchell commented that he had talked to his local health department about the processes to be followed. Bert McClary also commented on this issue and asked what statutory authority is used when the Governor issues an Executive Order. Ms. Grinston responded that Chapter 44 is primarily used and sometimes Chapter 105.

Kim asked if the Sub-committee wishes to keep the 50-mile radius requirement in (6)(A), and if not, what would they suggest? Sandra Bollinger suggested that the

mileage limit be completely deleted to allow pharmacists to float around the whole state. Discussion was held about whether a doctor would want to sign a protocol for a pharmacist to go all over the state, and not just be kept to within a 50-mile radius. Elaina Wolzak commented that it would be good to completely eliminate this provision, and Tom Glenski suggested to consider keeping it if the Board of Healing Arts won't agree to approve the emergency rule with the requirement removed.

Steve Calloway asked why the age of 12 is included in the proposed draft in (6)(A). Kim Grinston stated that it's in the statute.

Steve Calloway also asked if administration included nasal administration? Sandra Bollinger answered yes.

### **#3 20 CSR 2220-6.055 Authorized Non-Dispensing Activities**

Kim Grinston reported that this is a new rule being proposed.

Bert McClary questioned regarding special settings such as free/not free public health clinics, and what are the limits of a pharmacist in those situations? These are usually not licensed facilities, but do involve medication dispensing. Tom Glenski stated that these are usually performed under physician dispensing law and regulations. Bert McClary asked if the Board would issue a letter stating their position similar to one issued in the past.

Barbara Bilek voiced a concern about the need to maintain competency/quality of pharmacists doing non-dispensing activities. Tom Glenski reported that these individuals will have a Missouri pharmacist license and it's up to employers to make sure the individuals are appropriately trained and qualified. Kim Grinston requested Barbara Bilek to provide suggested language/competency requirements. Tom Glenski then explained the Board's previous discussions on this matter; including that out-of-state pharmacists are not required to be licensed, but the pharmacy must be licensed.

Bert McClary commented regarding (6)(A) and the 12-hour requirement and academic settings such as UMKC's Drug Information Center and teaching at colleges. Kim Grinston reported that she and Tom Glenski had discussed whether "unless supervising a technician" will take care of the problem. Tom Glenski commented that this is a Class I pharmacy permit issue, and asked Sandra Bollinger if she sees it as a problem since she has a Class I permit. Discussion was held regarding if really necessary and where should the line be drawn? Ms. Bollinger commented that she is often asked for her pharmacy permit.

Gary Sobocinski asked if it makes a difference if more than one pharmacist is working under a Class I permit? Kim Grinston questioned if "actually operating a business" should be used? Mr. Sobocinski suggested "ongoing business at that location" could be

used instead. It was suggested that both “unless supervising a technician” and “conducting ongoing business” be included in (6).

Steve Calloway commented regarding utilizing technicians. Bert McClary also commented regarding technicians used in institutional settings on the outpatient clinic issue.

Bert McClary then commented regarding if 1)j should be expanded to include administration of other drugs per medical prescription order, such as “drugs, vaccines and biologicals.” Lengthy discussion was held. Tom Glenski voiced a concern that 20 CSR 2220-6.040 conflicts what’s being suggested here. It was consensus for Tom Glenski, Kim Grinston, and Bert McClary to continue this part of the discussion at a later time.

Kim Grinston returned to the supervision of technicians issue in (6)(A) and asked if it should be changed to explain that technicians can’t work offsite, can’t reconcile in a hospital setting or at a patient’s home? Bert McClary then asked if technicians could restock an automated dispensing machine without a pharmacist present? Steve Calloway commented that technician reconciliation is an expansion of pharmacist oversight. Ms. Grinston then asked if “ongoing business” approach is better than the “12-hour” approach? Gary Sobocinski asked what is considered a business, and it was determined that if employed by someone, a permit is not required, but if provided contracted services, then a permit would be required. It was overall consensus that it should be made as simple as possible.

Kim reported that changes to 20 CSR 2220-6.050 and 20 CSR 2220-6.055 as discussed during this conference call will be drafted and provided to all call participants, and she requested everyone email her their comments as soon as possible so the rules can be finally drafted and provided to the Board of Healing Arts.

Bert McClary inquired if public is able to attend the September 20<sup>th</sup> Board of Healing Arts meeting in Jefferson City.

**ADJOURN**

At approximately 10:53 a.m., the August 21, 2009, Rules Sub-committee open session conference call meeting was adjourned.

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KIMBERLY A. GRINSTON  
EXECUTIVE DIRECTOR

Date Approved: 11/18/09