

**OPEN MINUTES**  
**Missouri Board of Pharmacy**  
**September 16-17, 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 9:42 a.m. on September 16, 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  
Shawn Marshall, R.Ph., Inspector  
George McConnell, R.Ph., Inspector  
Steven Smith, R.Ph., Inspector  
Frank VanFleet, R.Ph., Inspector  
Sid Werges, R.Ph., Inspector  
Barbara Wood, Inspector  
Tammy Siebert, Executive I

**Others Present**

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

President Riddle recognized Connie Clarkston, Division of Professional Registration's Director of Budget and Legislation as present in the audience.

**#A1 Agenda Additions/Corrections** – Kim Grinston reported that Michael Boeger of BNDD will be present at our meeting to present information about the pseudoephedrine tracking system.

**#A2 Approval of Minutes:**

**1. March 25, 2009 Conference Call Meeting**

Discussion was held. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve the minutes of the March 25, 2009, open session conference call meeting as printed. Motion passed, all in favor, none opposed.**

**2. June 25, 2009 Conference Call Meeting**

Discussion was held. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve the minutes of the June 25, 2009, open session conference call meeting as printed. Motion passed, all in favor, none opposed.**

**3. August 19, 2009 Conference Call Meeting**

Discussion was held. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve the minutes of the August 19, 2009, open session conference call meeting as printed. Motion passed, all in favor, none opposed.**

**#A3 Board Member Report** – Nothing was reported.

**#A4 General Administration Report:**

1. 2009 MPJE State-specific review (who will participate?) – Kim Grinston reported.

2. Well-Being Committee

- o Kim Grinston's Memo dated 9/2/09
- o California State Auditor's 2007 report on the California Physician Diversion Program

Kim Grinston reported that the Board's well-being committee rules have been filed and are scheduled to be published 10/1/09, and the comments deadline will be 10/31/09, with an anticipated effective date of February, 2010. Ms. Grinston also reported that she's drafting the bid proposal, so it can be ready when the regulations are effective. She also reported that the CAC has sponsored lots of states' programs and they would like to come to the Division to discuss with our boards.

3. Website revision – Kim Grinston reported that a pdf version of the lawbook will soon be posted to the Board's website, along with the lawbook index.

4. Changes in disciplinary terms.

5. Legislative Update – 338.333 RSMo proposed changes – Kim Grinston reported that the Board's language was not included in the Governor's legislative package for the 2010 legislative session.

6. Pharmacy Executive Order – Draft Language

7. Licensee Statistics

8. Disciplinary Report

**#B5 MED-E-QUIP Locators, Inc., #2003026499, #2008-002633-V1** - The Board reviewed:

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

The violation of discipline hearing case scheduled for September 17, 2009, at 9:00 a.m., 1<sup>st</sup> case, has been cancelled due to settlement.

**#D1 Pharmacy Schools Preceptor/Site Listings Review** - The Board reviewed:

- UMKC Facility and Preceptor Listing additions 8/1/09
- StLCOP Facility and Preceptor Listing additions 8/8/09

Discussion was held. **Motion was made by Barbara Bilek, seconded by Anita Parran, to approve the UMKC and STLCOP facility and preceptor lists as presented. Motion passed, all in favor, none opposed.**

**#D2 Missouri Pharmacy Coalition (MPC)** - The Board reviewed:

- Missouri Pharmacy Coalition talking points

Kim Grinston reported that MPC is not a governmental agency and because the Board is a regulatory agency which regulates some of the Coalition members, the Board should participate only in an advisory capacity, and not as an actual member of the Coalition. Elaina Wolzak and Gary Sobocinski attended the first meeting of the Coalition. **Motion was made by Barbara Bilek, seconded by Melissa Graham, for the Board of Pharmacy to be present in an advisory capacity only and not to join MPC as an official member. Motion passed, all in favor, none opposed.**

**#D3 Probation Terms** - The Board reviewed:

- Memo from Chief Inspector Tom Glenski

**DISPOSITION:** Executive Director recommends addition to the Board's list of standard terms for disciplinary orders to include exclusion from administration of drugs and vaccines.

Tom Glenski reported that the Board's immunization rules require pharmacists to be licensed and in good standing, and therefore disciplined licensees should not be allowed to administer. Discussion was held. **Motion was made by Gary Sobocinski, seconded by Barbara Bilek, to approve the language presented as a standard discipline term. Motion passed, all in favor, none opposed.**

**#D6 Immunization Rules** - The Board reviewed:

- Latest draft of Immunization Rules

NOTE: THIS DRAFT IS STILL PENDING REVIEW BY THE BOARD OF HEALING ARTS AS OF 9/3/09

**DISPOSITION:** Discussion requested.

**#D4 Rule Discussion** - The Board reviewed:

- A) 20 CSR 2220-6.040 – Administration by Medical Prescription Order
  - Kim Grinston's Memo dated 9/2/09
  - Bert McClary's email and attachment received 8/18/09
  - Bert McClary's email and attachment received 8/27/09
- B) 20 CSR 2220-6.050 – Administration of Influenza Vaccines Per Protocol
- C) 20 CSR 2220-6.060 – Non-Dispensing Activities

**DISPOSITION:** Discussion requested.

B) Kim Grinston reported that Section 338.010 was changed during the last legislative session and 20 CSR 2220-6.050 has been approved by the Board of Healing Arts and Board of Pharmacy Joint Rulemaking Committee. Ms. Grinston reported that the 50-mile radius portion of the rule was discussed at length and the Board of Healing Arts is not willing to change it at this time, but had agreed to future discussion. Gary Sobocinski reported that BHA's interpretation is that the physician must be present within 50 miles, so if he goes on vacation and is more than 50 miles away, the protocol is not good unless there's another doctor as part of the protocol. **Motion was made by Barbara Bilek, seconded by Gary Sobocinski, to file 20 CSR 2220-6.050 as an emergency rule. Motion passed, all in favor, none opposed.**

Further discussion was held. Kimberly Grinston indicated that the Board will have to report the impact of the regulation on small business, and asked if the public had any comments. No additional comments were provided. It was Board consensus that after the Board of Healing Arts' conference call on 9/27/09, our Board will have a conference call for final approval and decision whether to also file as a regular rule.

Further discussion was held regarding how the 50-mile radius is to be interpreted. It was Board consensus that it is 50 miles from where the doctor is physically located at any particular time.

C) **Motion was made by Pam Marshall, seconded by Barbara Bilek, to file 20 CSR 2220-6.055 as an emergency and regular rule. Motion passed, all in favor, none opposed.**

A) Kim Grinston reported that this rule does not need to be processed as an emergency rule. Bert McClary and Nicole Allcock commented. Discussion was held. It was Board consensus for office staff to pursue the topics of this discussion and work out additional language and return 20 CSR 2220-6.040 to the Board for further review.

**#D5 Immunization Certification Course – Oklahoma University** - The Board reviewed:

- Submission of non-ACPE-approved immunization course from Pharmacist candidate Megan Scott.

**DISPOSITION:** Discussion requested regarding Board approval of said course.

Tom Glenski reported and discussion was held. **Motion was made by Gary Sobocinski, seconded by Elaina Wolzak, to deny this request based on submission for approval after the course was taken. Motion passed, all in favor, none opposed.**

**#DH7 Pseudoephedrine Tracking System** - The Board reviewed:

- Memo from BNDD received 9/8/09

Michael Boeger, BNDD Administrator, was present at 11:50 a.m., and provided information about the real-time pseudoephedrine tracking system database, funding, programs/software, notification to pharmacies regarding usage of the database, writing

of emergency and routine regulations, and training to be provided regionally. Questions by Board members and discussion was held.

### **MOTION TO CLOSE 12:30 PM**

**At 12:30 p.m. Pam Marshall made a motion, seconded by Barbara Bilek, 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 12:30 PM., EXCEPT MICHAEL BOEGER REMAINED IN THE ROOM.

### **RETURN TO OPEN**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 1:50 p.m.

COURT REPORTER AND MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 1:50 PM

**#B1 William L. Pollard, #044098, #2008-006917-V1 - The Board reviewed:**

- Notice of Hearing on Violation of Disciplinary Order
- Probation Violation Complaint
- Motion to Amend Complaint
- First Amended Probation Violation Complaint

A probation violation hearing was scheduled for September 16, 2009, at 1:30 p.m., first case on the docket. A court reporter was present and the hearing began at 2:00 p.m. The Board was represented by Loretta Schouten, and William Pollard was present without counsel. The hearing concluded at approximately 2:18 p.m. A copy of the transcript is on file with the Board of Pharmacy.

**#B2 William V. Hanson, #042861, #2008-006913-F1 - The Board reviewed:**

- Notice of Felony Disciplinary Hearing
- Felony Conviction Complaint

A felony disciplinary hearing was scheduled for September 16, 2009, at 1:30 p.m., second case on the docket. A court reporter was present and the hearing began at 2:20 p.m. The Board was represented by Loretta Schouten, and William Hanson was present and represented by Barney Bier. The hearing concluded at approximately 3:16 p.m. A copy of the transcript is on file with the Board of Pharmacy.

**#B4 James L. Cave, #043867, #2008-000605 - The Board reviewed:**

- Notice of Disciplinary Hearing
- Complaint filed at the Administrative Hearing Commission 11/3/2008
- AHC Decision rendered 6/16/09

A disciplinary hearing was scheduled for September 16, 2009, at 2:00 p.m., second case on the docket. A court reporter was present and the hearing began at 3:20 p.m.

The Board was represented by Loretta Schouten, and James Cave was not present and was not represented by counsel. The hearing concluded at approximately 3:26 p.m. A copy of the transcript is on file with the Board of Pharmacy.

**MOTION TO CLOSE 3:27 PM**

**At 3:27 p.m. Gary Sobocinski made a motion, seconded by Barbara Bilek, 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 3:27 PM.

**RETURN TO OPEN**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 3:37 p.m.

COURT REPORTER AND MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 3:38 PM

**#B3 Kristina Stark, #2002022650, #2009-002977-V1** - The Board reviewed:

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

A probation violation hearing was scheduled for September 16, 2009, at 2:00 p.m., first case on the docket. A court reporter was present and the hearing began at 3:39 p.m. The Board was represented by Loretta Schouten, and Kristina Stark was not present and was not represented counsel. The hearing concluded at approximately 3:44 p.m. A copy of the transcript is on file with the Board of Pharmacy.

**MOTION TO CLOSE 3:45 PM**

**At 3:45 p.m. Barbara Bilek made a motion, seconded by Anita Parran, 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.**

COURT REPORTER AND MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 3:47 PM.

**RECONVENED OPEN**

**THURSDAY, SEPTEMBER 17, 2009**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 3:39 p.m. on Thursday, September 17, 2009.

**MOTION TO ADJOURN 3:40 PM**

At approximately 3:40 p.m., motion was made by Barbara Bilek, seconded by Anita Parran, to adjourn the September 16-17, 2009, meeting. Motion passed, all in favor, none opposed, Pam Marshall absent.

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KIMBERLY A. GRINSTON  
EXECUTIVE DIRECTOR

DATE APPROVED: 6/30/11