

**OPEN MINUTES  
Missouri Board of Pharmacy**

**April 28, 2010 – Open Session  
University of Missouri-Kansas City School of Pharmacy  
Health Sciences Building, Room #5309  
2464 Charlotte Street  
Kansas City, MO**

**April 29, 2010 – Closed Session  
Holiday Inn Co-Co Key Hotel  
9103 E. 39<sup>th</sup> Street  
Kansas City, MO**

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 8:37 a.m. on April 28, 2010, at the University of Missouri-Kansas City School of Pharmacy.

**Board Members Present**

James Riddle, R.Ph., President  
Barbara Bilek, R.Ph., Vice President  
Janine Burkett, R.Ph., Member  
Melissa Graham, R.Ph., Member  
Pamela Marshall, R.Ph., Member  
Elaina Wolzak, R.Ph., Member

**Board Members Absent**

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  
Barbara Wood, Inspector  
Tammy Siebert, Executive I

**Others Present**

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

### **MOTION TO CLOSE 8:38 AM**

At 8:38 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 324.001.8, RSMo. Motion passed, all in favor, none opposed, Anita Parran absent.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 8:38 AM.

### **RECONVENE OPEN 9:45 AM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 9:45 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 9:45 AM

Kim Grinston introduced and welcomed Janine Burkett as a new member of the Board. Ms. Burkett replaced Gary Sobocinski on the Board.

### **#A1 Agenda Additions/Corrections**

Kim Grinston reported that there are new handout items #DH19-DH20, plus additional information for #D1.

### **#A2 Approval of Minutes:**

1. February 4, 2010 Meeting

**Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve the minutes of the February 4, 2010, open session meeting. Motion passed, Barbara Bilek, Pam Marshall, Melissa Graham and Jim Riddle in favor, none opposed, Elaina Wolzak and Janine Burkett abstained, and Anita Parran absent.**

2. February 23, 2010 Conference Call Meeting

**Motion was made by Barbara Bilek, seconded by Elaina Wolzak, to approve the minutes of the February 23, 2010, open session conference call meeting. Motion passed, Barbara Bilek, Pam Marshall, Elaina Wolzak and Jim Riddle in favor, none opposed, Melissa Graham and Janine Burkett abstained, and Anita Parran absent.**

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

### **#A4 General Administration Report:**

a. **Legislative Update** – Kim Grinston reported regarding new Express Scripts language, and that bills are generally moving slow because the primary focus is on budget.

b. **Financial Update** – Kim Grinston reported that pharmacy technician renewals are currently at 55% renewed. Ms. Grinston also spoke regarding the governor's budget cuts of 10% for in-state travel, and that state cars will need to be justified if not used more than 15,000 miles per year. She reported that the Board's inspectors' cars should meet the mileage requirement, but we do have three in small-

radius territories that are being monitored. The Board currently has two cars that need to be replaced and she is considering trading with Division vehicles to get us not new, but newer/better cars. Barbara Bilek asked regarding status of the fund sweep legislation. Ms. Grinston reported that the bills have stalled in the legislature, but the governor could implement an executive order even if the bills don't pass.

c. **New Employee** – Kim Grinston reported that Jason Menken joined the Board staff in early April.

d. **Strategic Planning** – Kim Grinston reported that the annual Strategic Meeting will be held this year at the July meeting in Columbia, MO.

e. **Educational Awareness Programs** – Kim Grinston reported this will be a better way to proactively inform our licensees about regulation changes, and she asked the Board for approval to do several education programs throughout the state, specifically involving the implementation of the vaccination rule prior to the beginning of flu season. Tom Glenski reported that pharmacist continuing education would be available for these programs. **Motion was made by Pam Marshall, seconded by Elaina Wolzak, to approve the traveling education programs. Motion passed, all in favor, none opposed, and Anita Parran absent.**

President Riddle reported that Items #B1 and #B2 have been continued to the July meeting.

**#B1 Dennis J. Berding, #028754, Moberly, MO, #2009-003351**

- Notice of Hearing on Violation of Disciplinary Order dated 3/23/10.
- Probation Violation Complaint filed 11/12/09

**#B2 Walgreens #01235, permit #2004020210, 621 N. Maguire Street, Warrensburg, MO 64093, #2009-004505**

- Notice of Hearing on Violation of Disciplinary Order dated 3/23/10.
- Probation Violation Complaint filed 1/25/10

**#D1 Medication Therapy Services Rules**

- Kim Grinston's memo dated 4/12/10
- Section 338.010, RSMo
- Medication Therapy Management in Pharmacy Practice Article
- Proposed Rule Suggestions
- ACPE Standards (Excerpts)
- Certificate Course Requirements
- Certification Information
- Sample MTM Protocols (from other states)
- Nursing and Physician Assistant Protocol Rules
- MSHP comments regarding proposed MTM rules

Kim Grinston reported, and Curt Thompson reported regarding the Missouri Hospital Association's lawsuit and the Board's inability to implement hospital language in our proposed rules.

Kim Grinston reported regarding proposed regulation 20 CSR 2220-6.060 Definitions, and specifically commented regarding the (D) "Health Care Entity" language.

Kim Grinston reported regarding proposed regulation 20 CSR 2220-6.070 Certificate of Medication Therapeutic Plan Authority. It is anticipated that no separate piece of paper will be issued, but will possibly be added as a specific designation on pharmacist licenses. One certification will serve for all disease states, and it will be up the physician and pharmacist to be responsible to make sure the pharmacist is qualified for whatever specific disease state they are handling. Melissa Graham inquired if certification would be handled similar to our continuing education audit process. Curt Thompson suggested that language be added that disciplined pharmacists cannot provide MTM services. Kim Grinston reported that newer PharmD graduates are currently getting MTM training, but older PharmD graduates may not have had the ACPE MTM standards. Peggy Kuehl of UMKC School of Pharmacy reported that the PharmD ACPE standards were put into place in 2002 and the rules were in place by 2007. She also commented that the older PharmD programs were also very stringent and focused on MTM, and that only a select group of people were accepted into the PharmD programs. Further discussion was held.

Sandra Bollinger presented three handouts regarding the American Medical Association's position on pharmacists participating in MTM duties. Further discussion was held regarding (2)(A) PharmD language. All Board members, except Elaina Wolzak, agreed to leave (A) as it was printed.

Kim Grinston reported regarding proposed regulation 20 CSR 2220-6.080 Medication Therapy Services By Protocol. Bert McClary reported regarding the definition of "prescription order" in statutes, and the concern is that a separate definition may need to be implemented for the Board's regulation. Kim Grinston reported regarding (3)(D) requiring review of services once every six months; there were no concerns by the Board about a six-month review. Ms. Grinston pointed out that the portion in red in (E) will hopefully be reconsidered by the Board of Healing Arts and completely removed.

Kim Grinston further reported regarding the need for signatures on protocols in (D). Discussion was held, and further discussion was tabled on this item till later in the meeting.

### **#D3 Michael Boeger Presentation Regarding BNDD Updates**

- **Controlled drug legislation** – Mr. Boeger reported that the law/regulations have gone back to the way they used to be until the federal government notifies them otherwise. He also commented that the legislature is looking at scheduling new drugs, such as K2 and other similar synthetic marijuana products.

- **Pseudoephedrine database** – Mr. Boeger reported that six bids were received and the contract was awarded to Apris of Louisville, Kentucky. The governor's office has approved the drafted rules and will be forthcoming for publication as emergency and regular rules. It is anticipated that training will be offered, and it was pointed out that the database is specific to OTC pseudoephedrine meth precursors only. Mr.

Boeger commented that there may be some issues where cities/counties implemented ordinances.

- **Electronic prescribing rules** – DEA’s final rules go into effect 6/1/10, and BNDD expects to duplicate DEA’s implementation.
- **DEA position on no changes to CII prescriptions**
- **DEA position on nurses not to be agents of doctors in long-term care facilities** – Mr. Boeger reported that legislation is still pending on this topic.

**#D2 UMKC School of Pharmacy – Annual Meeting**

- Proposed preceptor and site listings for 2010

Valerie Ruehter was present on UMKC School of Pharmacy’s behalf. She commented that the site/preceptor lists the Board has in the agenda are only a quarterly update, and not the full lists normally reviewed at the school’s annual meeting. The school’s full list will be provided to the Board for review at a future meeting. **Motion was made by Barbara Bilek, seconded by Elaina Wolzak, to approve the UMKC preceptor list as presented, with the exception of Lee Ori. All in favor, none opposed, Anita Parran absent.**

**Motion was made by Elaina Wolzak, seconded by Barbara Bilek, to approve the UMKC site list as presented, with the exception of Trilogy Healthcare in St. Louis. All in favor, none opposed, Anita Parran absent.**

Valerie Ruehter reported that UMKC is currently reviewing/updating its curriculum to be a 2/4 status instead of the 1/4 it currently has. Dean Piepho is retiring in July and Russell Melcher from the University of Arkansas will replace him. Tom Glenski clarified with Ms. Ruehter that they are reviewing the Board’s newsletters and e-alerts for disciplined licensees to make sure they are removed from their approved site/preceptor lists. Mr. Glenski also inquired about the international sites they are offering students; it was reported that these are rated very high, invaluable experiences. President Riddle asked for an update on UMKC establishing a satellite facility in Springfield.

**RETURN TO CLOSED 12:00 PM**

**At 12:00 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, Anita Parran absent.**

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM.

**RECONVENE OPEN 1:18 PM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 1:18 p.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM.

#### **#D1 Medication Therapy Services Rules**

Further discussion held regarding 20 CSR 2220-6.080(4)(D) and (I). President Riddle commented that (I) "...under the written protocol of a Missouri pharmacist" should be changed to a "Missouri physician". Curt Thompson asked if (6)(C) should include a timeframe, and Kim Grinston indicated that a timeframe is not necessary. It was determined that office staff and the working group will go back to work and provide a revision to the Board at a future meeting.

#### **#D4 Class J: Shared Services**

- Tom Glenski's memo dated 4/16/10.

Tom Glenski reported and asked for Board guidance on the definition of "a common electronic file", "with real time on-line access", and "the same real-time, on-line database". Discussion was held. Pharmacists should have electronic access to all medications a patient is taking. They are required to use one database, must be visible by both parties back and forth. It was Board consensus to table this matter and get more specific examples for discussion at a future meeting.

#### **#D5 Compounded Irrigation Solutions**

- Tom Glenski's memo dated 3/23/10, with attachments.

Tom Glenski reported, and Doug Lang commented that no matter where prepared, they must adhere to USP 797 standards, and he suggested nasal sprays and topical irrigation solutions be included in the Board's rule. **Motion was made by Elaina Wolzak, seconded by Pam Marshall, to be consistent with USP 797 and maintain them as sterile products. All in favor, none opposed, Anita Parran absent.**

#### **#B3 John W. Collins, Jr., #029689, Scottsdale, AZ 85254, #2007-006502**

- Notice of Disciplinary Hearing dated 3/23/10.
- Joint Stipulation of Facts and Conclusions of Law and Waiver of Hearing Before the Administrative Hearing Commission dated 3/15/10

A disciplinary hearing was scheduled for April 28, at 2:00 p.m., first case on the docket. A court reporter was present and the hearing began at 2:09 p.m. The Board was represented by Stephanie White-Thorn, and John Collins was present and represented by Mary Beth Blake. The hearing concluded at approximately 2:32 p.m. A copy of the transcript is on file with the Board of Pharmacy.

#### **#D8 2010-2011 Legislation**

- Kim Grinston's memo dated 4/13/10

**Corporate Entities** - Kim Grinston reported and discussion was held regarding disciplining corporate entities. It was Board consensus to pursue language such as "decision-making or for financial gain, consulting." Specific language will be brought back to the Board for approval.

**Civil Penalties** - Ms. Grinston reported and Curt Thompson commented that the monies go the Missouri Schools fund, not to the Board. He also reported that the Architect Board and Real Estate Commission use civil penalties primarily for unlicensed

activity, but our Board could elect to use for both unlicensed and disciplinary action. It was Board consensus to bring back language for Board review/approval.

**Technician Certification/Training** – Kim Grinston reported and requested Board instruction on how to proceed. It was Board consensus to add this item to the Strategic Planning Meeting agenda.

President Riddle requested the Board to provide its Strategic Planning Meeting topics to the Board office for discussion at the July meeting.

**#D9 NABP Proposed Amendments to the Constitution and Bylaws**

- NABP memo dated 4/15/10, with attached proposed amendments.

Kim Grinston reported and it was Board consensus to vote in favor of NABP's proposed amendments.

**#D10 Social Security Numbers on Renewal Applications**

- Board discussion and decision needed about whether to remove social security numbers from renewal applications.

Kim Grinston reported and discussion was held. It was Board consensus to remove social security numbers from pharmacist, intern and technician renewal applications.

Kim Grinston also reported that pharmacists will be sent renewal postcards this year giving them an opportunity to request a paper renewal form or they can renew online. This will be approximately a 40% cost savings to the Board. Pam Marshall suggested this be added as a newsletter and e-alert notification, and to also include a reminder about the appropriate continuing education dates.

**#D11 STLCOP College of Pharmacy**

- Updates to approved listings for consideration

Discussion was held regarding the STLCOP preceptor list. **Motion was made by Elaina Wolzak, seconded by Barbara Bilek, to approve STLCOP's preceptor list as presented. All in favor, none opposed, Anita Parran absent.**

Discussion was held regarding the STLCOP site list. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve STLCOP's site list as presented. All in favor, none opposed, Anita Parran absent.**

**#D12 Well-Being Committee Contract**

Kim Grinston reported that this will be ready for the Board to review at the May conference call.

**#D13 Mark D. Black, Wind River Service, 29 Black Cole Road, Fort Washakie, WY 82501**

- Intern Training Pharmacy Special Site Application

Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve this intern training special site application for 500 hours. All in favor, none opposed, Anita Parran absent.

**#D14 Neefi Uddin, CVS Caremark, 2215 Sanders Road, Streamwood, IL 60107**

- Intern Training Pharmacy Special Site Application

Motion was made by Pam Marshall, seconded by Barbara Bilek, to approve this intern training special site application for 500 hours. All in favor, none opposed, Anita Parran absent.

**#D15 Harrison County Community Hospital, 2600 Miller Street, Bethany, MO 64424**

- Intern Training Pharmacy Special Site Application

Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve this intern training special site application for 500 hours. All in favor, none opposed, Anita Parran absent.

**#D16 Ranken Jordan, 11365 Dorsett Road, Maryland Heights, MO 63043**

- Intern Training Pharmacy Special Site Application

Motion was made by Pam Marshall, seconded by Barbara Bilek, to approve this intern training special site application for 500 hours. All in favor, none opposed, Anita Parran absent.

**#D17 Ken Kester, not licensed in MO, Nebraska Heart Hospital, 7500 South 91<sup>st</sup> Street, Lincoln, NE 68526**

- Intern Training Pharmacy Special Site Application

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

**#D18 RegenceRx, 100 SW Market Street, Portland, OR 97201**

- Intern Training Pharmacy Special Site Application

Motion was made by Melissa Graham, seconded by Janine Burkett, to approve this intern training special site application for 500 hours. All in favor, none opposed, Anita Parran absent.

**#DH19 Mallinckrodt, Inc., 1827 Belt Way Drive, St. Louis, MO 63114**

- Intern Training Pharmacy Special Site Application

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

**#DH20 Pharmacy Buying Association d/b/a TrueCare Pharmacy, 1575 N. Universal Avenue, Suite 100, Kansas City, MO 64120**

- Intern Training Pharmacy Special Site Application

**Motion was made by Elaina Wolzak, seconded by Barbara Bilek, to approve this intern training special site application for 500 hours. All in favor, none opposed, Anita Parran absent.**

**#D7 Remote Verification Services for Hospitals**

- Tom Glenski's memo dated 3/23/10, with attachments.

Tom Glenski and Bert McClary reported, and discussion was held regarding whether a Missouri pharmacy permit is required for in-state and out-of-state hospitals conducting remote verification. Tom Glenski commented that the non-dispensing regulation does not require those permits and the Board does not have jurisdiction to enforce it in a hospital. It was Board consensus to make no change.

**Motion was made by Pam Marshall, seconded by Janine Burkett, that if a non-Missouri pharmacist is engaged in non-dispensing activities for a Missouri hospital, and the pharmacist is located out of state, any entity is not required to have a Missouri pharmacy permit. Further discussion was held and it was determined this may require a statute change or amendment to 20 CSR 2220-6.055. Janine Burkett withdrew her second, and Pam Marshall withdrew her motion. Further discussion ensued. If technicians are being used, a Missouri pharmacy permit is required. This matter was tabled for further discussion**

**#D6 Dispensing of Controlled Substances by Non-Missouri Prescribers**

- Section 195.060, RSMo.

Kim Grinston reported that this matter will be tabled and discussed after the end of the legislative session.

**RETURN TO CLOSED 4:00 PM**

**At 4:00 p.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 324.001.8, RSMo. Motion passed, all in favor, none opposed, Anita Parran absent.**

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM.

**RECONVENE OPEN 5:36 PM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 5:36 p.m.

**#D2 UMKC School of Pharmacy – Annual Meeting**

**Motion was made by Barbara Bilek, seconded by Pam Marshall, to approve Lee Ori to serve as a preceptor for UMKC. All in favor, none opposed, Anita Parran absent.**

**Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve Trilogy Healthcare to serve as an intern training site for UMKC. All in favor, none opposed, Anita Parran absent.**

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

#E1 Motion Language for New Rules/Amendments

#E2 Board Licensee Statistics

#E3 Licensees Presently Under Discipline

#E4 Open Discussion

**RETURN TO CLOSED 5:41 PM**

At 5:41 p.m. Barbara Bilek 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, Anita Parran absent.

**THURSDAY, APRIL 29, 2010**

**RECONVENE OPEN 2:49 PM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at 2:49 p.m. on Thursday, April 29, 2010.

**MOTION TO ADJOURN 2:50 PM**

At approximately 2:50 p.m., motion was made by Barbara Bilek seconded by Melissa Graham, to adjourn the April 28-29, 2010, meeting. Motion passed, all in favor, none opposed, Anita Parran absent.

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KIMBERLY A. GRINSTON  
EXECUTIVE DIRECTOR

DATE APPROVED: 11/16/11