

**OPEN MINUTES  
Missouri Board of Pharmacy**

**July 14-15, 2010  
Courtyard By Marriott  
3301 LeMone Industrial Blvd.  
Columbia, 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 8:15 a.m. on July 14, 2010, at Courtyard By Marriott, Columbia, Missouri.

**Board Members Present**

James Riddle, R.Ph., President  
Barbara Bilek, R.Ph., Vice President  
Janine Burkett, R.Ph., Member  
Melissa Graham, R.Ph., Member  
Anita Parran, Public Member  
Elaina Wolzak, R.Ph., Member

**Board Members Absent**

Pamela Marshall, R.Ph., Member

**Staff Present**

Kimberly Grinston, Executive Director  
Tom Glenski, R.Ph., Chief Inspector  
Mike Kidd, 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

**MOTION TO CLOSE 8:16 AM**

**At 8:16 a.m. Barbara Bilek made a motion, seconded by Janine Burkett, 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, Pam Marshall absent.**

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 8:16 AM.

**RECONVENE OPEN 9:25 AM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 9:25 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 9:25 AM  
JASON MENKEN ENTERED THE MEETING ROOM AT 9:30 A.M.

**#A1 Agenda Additions/Corrections**

Kim Grinston reported regarding new items added to the agenda at #D18 and #D19, and additional information added to #A3.

**#A2 Board Member Report**

Kim Grinston reported that she and Pam Marshall attended the NABP Annual Meeting in Anaheim, California, in May.

**#A3 General Administration Report:**

- 2010 Legislation – Enclosures
- Financial Report – Enclosure
- Vacant Position
- CE Program on Administration Regulations - Enclosures
- State Travel / Budget Information
- NABP Annual Meeting update – Enclosures
- E-Prescribing update
- BNDD July 2010 Publication

Kim Grinston introduced Jason Menken as a new office staff member.

Kim Grinston reported that pharmacy technician renewals are finished and explained about the 30-day grace period for technicians. More information will be published about the grace period for the next renewal period.

Kim Grinston reported regarding the Board's Financial Report.

2010 Legislation - Kim Grinston reported some bills have been signed by the Governor, but others have not. Rules will be reviewed to determine what changes are needed in order to implement statute revisions. The legislation to sweep Board funds did not pass this session.

State Travel/Budget Information – Kim Grinston reported that the Governor recently cut all out-of-state travel due to state budgetary issues, but she plans to petition for out-of-state travel for a few select meetings.

CE Program on Administration Regulations – Kim Grinston reported and encouraged licensee participation.

NABP Annual Meeting Update – Kim Grinston reported regarding NABP’s multistate licensure concept study and asked for the Board’s input on this subject. Elaina Wolzak inquired about fees and the impact it will have on small business. Discussion was held.

NABP Interactive Member Forum – Kim Grinston reported regarding this meeting’s topic will be Prescriptions for Shared Future, and asked for volunteers to attend the meeting. Barbara Bilek commented she’d like to attend and anyone else should contact Tammy Siebert.

Kim Grinston reported that additional information regarding prohibition of acetaminophen abbreviation will be brought back to the Board in September.

Kim Grinston reported that the annual MPJE Law review is coming up August 2-16, 2010, and asked for Board member assistance. The office must report to NABP by July 16<sup>th</sup> the names of individuals that will be participating.

Kim Grinston reported regarding BNDD’s proposed pseudoephedrine tracking database regulations.

E-Prescribing update – Kim Grinston reported that inspection handouts have been updated to include this new information.

**#D1 2011 Proposed Legislation**

- Draft legislation for Denial Of Corporate Entities
- Draft legislation for Civil Penalties

At the April meeting, the Board consented to drafting proposed legislation for review on: 1) Expanding the Board’s authority to deny applicants based on misconduct by their PIC, MIC, or other officers; and 2) Civil penalties for both licensed and unlicensed activity. Attached are drafts of such language.

Corporate Entities - Kim Grinston reported regarding the Board’s need to deny a corporate entity (pharmacy/drug distributor) application based on conduct of an officer, pharmacist-in-charge or manager-in-charge. Discussion was held. **Motion was made by Barbara Bilek, seconded by Anita Parran, to approve the proposed language of 338.055.7. Motion passed all in favor, none opposed, Pam Marshall absent.**

Civil Penalties - Kim Grinston reported regarding the Division’s plan to pursue similar language for the whole Division. Discussion was held about whether the Board wants to pursue language separate from the Division. Curt Thompson reported and discussion was held. Barbara Bilek commented whether the language in .4 should be clarified as to whether it pertains to calendar or business days. Curt Thompson reported that statute defines “days” as calendar days unless otherwise defined. Barbara Bilek

commented that the dollar amount in .2 may not be high enough for our professions. **Motion was made by Elaina Wolzak, seconded by Barbara Bilek, to request to be included with the Division concerning the civil penalty language. Motion passed all in favor, none opposed, Pam Marshall absent.**

#### **MOTION TO CLOSE 10:51 AM**

**At 10:51 a.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, Pam Marshall absent.**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into closed session at approximately 11:06 a.m.

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

- Notice of Continuance and Rescheduled Hearing dated 5/13/10.
- Probation Violation Complaint filed 11/12/09

President Riddle reported that the hearing scheduled for 1:30 p.m. has been cancelled due to settlement.

#### **#B3 Wendy S. Young-Guffey #2005007751, Saint James, MO, #2010-000021**

- Notice of Hearing on Violation of Disciplinary Order dated 6/7/10.
- Complaint filed 6/3/10

President Riddle reported that the hearing scheduled for 2:00 p.m. has been cancelled due to settlement.

#### **#D2 Balls Food Stores Corporate Office, 5300 Speaker Road, Kansas City, KS 66106**

- Intern Training Pharmacy Special Site Application

Tom Glenski reported. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve this Intern Training Pharmacy Special Site application for 500 hours. Motion passed all in favor, none opposed, Pam Marshall absent.**

#### **#D3 DoD Pharmacoeconomic Center, 2450 Stanley Road Ste 208, Fr. Sam Houston, TX 78234**

- Intern Training Pharmacy Special Site Application

Tom Glenski reported. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve this Intern Training Pharmacy Special Site application for 500 hours. Motion passed all in favor, none opposed, Pam Marshall absent.**

#### **#D4 Dept of Veterans Affairs Medical Center, #1 Jefferson Barracks Drive, St. Louis, MO 63125**

- Intern Training Pharmacy Special Site Application

Tom Glenski reported. **Motion was made by Barbara Bilek, seconded by Anita Parran, to approve this Intern Training Pharmacy Special Site application for 500 hours. Motion passed all in favor, none opposed, Pam Marshall absent.**

**#D5 First DataBank, 12647 Olive Blvd Ste 585, Saint Louis MO 63146**

- Intern Training Pharmacy Special Site Application

Tom Glenski reported. **Motion was made by Anita Parran, seconded by Barbara Bilek, to approve this Intern Training Pharmacy Special Site application for 500 hours. Motion passed all in favor, none opposed, Pam Marshall absent.**

**#D6 Moberly Regional Medical Center, 1515 Union Ave, Moberly MO 65270**

- Intern Training Pharmacy Special Site Application

Tom Glenski reported. **Motion was made by Janine Burkett, seconded by Barbara Bilek, to approve this Intern Training Pharmacy Special Site application for 500 hours. Motion passed all in favor, none opposed, Pam Marshall absent.**

**#D7 Nelson Medical Center, 125 South 20<sup>th</sup> Street, Paducah, KY 42001.**

- Intern Training Pharmacy Special Site Application

Tom Glenski reported. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve this Intern Training Pharmacy Special Site application for 500 hours. Motion passed all in favor, none opposed, Pam Marshall absent.**

**#D8 Pharmacy Buying Association d/b/a PBA Health, 6300 Enterprise Road, Kansas City, MO 64120**

- Intern Training Pharmacy Special Site Application

Tom Glenski reported. **Motion was made by Elaina Wolzak, seconded by Anita Parran, to approve this Intern Training Pharmacy Special Site application for 500 hours. Motion passed all in favor, none opposed, Pam Marshall absent.**

**#D9 Walgreens District Office, Kellye Holtgrave, 13897 Corporate Woods Trail, Bridgeton, MO 63044**

- Intern Training Pharmacy Special Site Application

Tom Glenski reported. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve this Intern Training Pharmacy Special Site application for 500 hours. Motion passed all in favor, none opposed, Pam Marshall absent.**

**#D10 Compounded Irrigation Solutions**

- Tom Glenski's memo dated 6/20/10, with attachments.

Tom Glenski reported and suggested this be corrected through the rulemaking process. Discussion was held. **Motion was made by Barbara Bilek, seconded by Elaina Wolzak, to pursue a rulemaking amendment to correct this matter. Motion passed all in favor, none opposed, Pam Marshall absent.**

**#D11 Dispensing of Controlled Substances by Non-Missouri Prescribers**

- Section 195.060, RSMo.

Kim Grinston reported there is no need for the Board to vote on this matter and that it can be handled within the office.

#### **#D12 Remote Verification Services for Hospitals**

- Tom Glenski's memo dated 6/20/10, with attachments.
- Email from Connie Harrison dated 5/02/2010

Tom Glenski reported and discussion was held. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to maintain the Board's current interpretation as presented in the memo in effect. Motion passed all in favor, none opposed, Pam Marshall absent.**

#### **#D13 Class J: Shared Services**

- Tom Glenski's memo dated 6/20/10.

Tom Glenski reported and discussion was held concerning whether pharmacies are required to see the patient's full profile. It was Board consensus that the full profile is needed. Mr. Glenski then asked if pharmacies are required to use one database? Discussion was held. Various members of the public offered comments. **Motion was made by Barbara Bilek, seconded by Elaina Wolzak, to allow multiple database systems as long as all pharmacies involved have full access to patient profiles at the other pharmacies and can refer to the patient counseling rule for definition, the access to databases must be real time and online. Motion passed all in favor, none opposed, Pam Marshall absent.**

#### **#D14 Legal Counsel Contracts**

- Curtis Thompson
- Lanette Gooch, Newman Comley & Ruth
- Loretta Schouten

Kim Grinston reported. Discussion was held. It was Board consensus to approve automatic renewal of the three existing legal contracts.

#### **#D15 Medication Therapy Services Proposed Rules**

- 20 CSR 2220-6.060
- 20 CSR 2220-6.070
- 20 CSR 2220-6.080

Kim Grinston reported that the working group suggested (2) be added to 6.060, and indicated if the Board approves the rules, they will be referred to the Board of Healing Arts' committee for review prior to their full Board's review. President Riddle thanked everyone involved in the working group for their efforts on the proposed regulations. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the proposed regulations as presented. Motion passed all in favor, none opposed, Pam Marshall absent.**

Kim Grinston asked for Board representatives to serve on the joint rulemaking committee for these regulations. Elaina Wolzak and Barbara Bilek volunteered to serve on the committee.

**#D16 STLCOP and UMKC College of Pharmacy**

- Updates to approved listings for consideration

Tom Glenski reported that the Board met with UMKC representatives at the April meeting, but their full list of sites and preceptors was not available for the Board's consideration. **Motion was made by Barbara Bilek, seconded by Elaina Wolzak, to approve UMKC and Slop's site and preceptor lists as presented. Motion passed all in favor, none opposed, Pam Marshall absent.**

**#D17 Well-Being Committee Contract Proposal - MATERIALS PROVIDED IN D CLOSED**

Kim Grinston reported and asked the Board for guidance as to whether they wish the Well-Being Contract include only disciplined licensees for a specified time period and then rule revisions could be discussed to include voluntary participants after the initial program had been operational for a period of time. Discussion was held. It was Board consensus to initially implement for disciplined licensees only.

**#DH18 Take Back Programs**

- See documents in D Closed

Kim Grinston reported and discussion was held. Bert McClary strongly suggested that pharmacists be able to assist patients in destruction of unwanted medications. Gary Sobocinski suggested a date be added to the label to allow for return of the drugs to the pharmacy. Several other members of the public spoke in support of Mr. McClary's position. Inspector Mike Kidd reported that law enforcement incinerates drugs returned to them. Ron Fitzwater commented that Iowa has implemented a program and is using certain boxes for drug disposal. It was Board consensus to maintain Tom Glenski's standard statement and add that the Board is currently reviewing this subject.

**MOTION TO CLOSE 12:39 PM**

**At 12:39 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, Pam Marshall absent.**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board went into open session at approximately 2:05 p.m.

COURT REPORTER AND MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 2:06 PM

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

- Notice of Continuance and Rescheduled Hearing dated 5/13/10.

- Probation Violation Complaint filed 1/25/10

A violation of discipline hearing was scheduled for July 14, 2010, at 1:30 p.m., second case on the docket. A court reporter was present and the hearing began at approximately 2:10 p.m. The Board was represented by Loretta Schouten and Walgreens was represented by Jason Call. The hearing concluded at approximately 2:45 p.m. A copy of the transcript is on file with the Board of Pharmacy.

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

**#E1 Motion Language for New Rules/Amendments**

**#E2 Licensees Presently Under Discipline**

**#E3 Board Licensee Statistics**

**MOTION TO CLOSE 2:46 PM**

At 2:46 p.m. Barbara Bilek made a motion, seconded by Janine Burkett, 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, Pam Marshall absent.

**THURSDAY, JULY 15, 2010**

**RECONVENE OPEN 12:15 PM**

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 12:15 p.m. on Thursday, July 15, 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 July 14-15, 2010, regular open session meeting. Motion passed, all in favor, none opposed, Pam Marshall absent.

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KIMBERLY A. GRINSTON  
EXECUTIVE DIRECTOR

DATE APPROVED: 2/22/12