

OPEN MINUTES
Missouri Board of Pharmacy

September 14, 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 8:33 a.m. on September 14, 2010, at Courtyard By Marriott, Columbia, Missouri.

Board Members Present

James Riddle, R.Ph., President
Barbara Bilek, R.Ph., Vice President
Elaina Wolzak, R.Ph., Member
Pamela Marshall, R.Ph., Member

Board Members Absent

Janine Burkett, R.Ph., Member
Melissa Graham, 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
Andi Miller, 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 8:34 AM

At 8:34 a.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 including President Riddle, none opposed, Janine Burkett, Melissa Graham, and Anita Parran absent.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 8:34 AM.

RECONVENE OPEN 9:22 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 9:22 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 9:23 AM

#A1 Agenda Additions/Corrections

Kim Grinston reported there were not additions or corrections to the open agenda.

#A2 Board Member Report

Barbara Bilek reported regarding two recent conference calls to discuss Medication Therapy Services.

#A3 General Administration Report:

- Financial Report – Enclosure
- 20 CSR 2220-2.005 (Definition of Legend Drug)
- Implementation of SB 754
- 20 CSR 2220-1.030 (General Definitions)
- 20 CSR 2220-1.060 (Investigations and Inspections)
- NCI Distribution of Investigational Agents

Tom Glenski introduced Andrea (Andi) Miller as the Board's newest inspector.

Financial Report – Kim Grinston reported that end-of-the-fiscal-year numbers will be provided at the next meeting.

COURT REPORTER ENTERED THE MEETING ROOM AT APPROXIMATELY 9:30 AND BEGAN RECORDING THE OPEN SESSION MEETING.

20 CSR 2220-2.005 (Definition of Legend Drug) – Kim Grinston reported that two additional issues have been raised; i.e., federally-sponsored clinical trials are currently included and she recommends that privately-sponsored clinical trials also be included, and it is recommended that shipment of commercially-available legend drugs into the state within the exemption in the emergency rule be allowed under an Investigational New Drug or institutional review board clinical trial/investigation. President Riddle reported to the public.

Evan Kharasch, Vice Chancellor for Research, Washington University, St. Louis, Missouri, presented and provided handouts to the Board.

Scott Granowski, BJC, St. Louis, Missouri, presented to the Board.

Implementation of SB 754 – Kim Grinston reported that more time will be needed to draft revisions to the Board's electronic data processing regulation.

#A4 Approval of Minutes

- March 23, 2010 Conference Call
- June 3, 2010 Conference Call
- August 27, 2010 Conference Call

Tabled till the November meeting.

#D4 Pharmacy Technician Training – Open Forum

- PTCB Home page
- PTCB FAQ's
- ExCPT – About us
- ExCPT – Exam Candidate's Guide
- ExCPT – State-by-state
- Oklahoma technician guide
- Texas Technician Laws
- Virginia Technician Laws

Kim Grinston reported this topic was previously posted as part of the Board's Strategic Planning meeting in July, but the Board wanted to hold a public forum in order to get the public's input. The public forum was scheduled for 9:30 a.m. at this meeting.

Nicole Allcock, President of Missouri Society of Health-System Pharmacists, presented and spoke in favor of mandatory training and certification requirements for technicians.

Ron Fitzwater of the Missouri Pharmacy Association (MPA) presented, provided handouts to the Board, and suggested technician training for Missouri's pharmacy technicians.

Marty Michel of Key Drug and MPA member, presented and inquired if the Board has the resources to manage a technician training/certification requirement. Mr. Michel generally spoke against technician training/certification, but suggested a tier rating if technician training is required, and also spoke in favor of continuing education for technicians.

James Gray, Pharmacy Director of BJC, St. Louis, Missouri, presented history of the technician registration law when it was originally passed. Mr. Gray spoke in favor of training for technicians involved in the pharmacy dispensing process, but not for those

technicians running cash registers, delivering drugs, or that have general access to drug inventory, etc.

Peggy Kuehl, Professor at UMKC presented to the Board. Ms. Kuehl asked the Board to consider how technician training helps the advancement of the pharmacy profession. She suggested that an undue burden not be placed on technicians enrolled in pharmacy school who are likely also licensed as interns.

Becky Rabbitt, Allied Technical Institute, presented to the Board.

Sam Leveritt of Cardinal Health presented that nuclear pharmacy is different and requires specialized training of technicians. Mr. Leveritt provided handout materials to the Board.

Bert McClary of the Department of Health and Senior Services presented concerning technicians in hospital pharmacy practice. He also thanked the Board for scheduling this open forum, and suggested a technician working group be created to further research this topic.

#C1 Applications for Intern Training Pharmacy Special Site

1. UMKC, School of Pharmacy, Drug Information Center
2. Veteran Affairs Consolidated Mall Outpatient Pharmacy #760
3. Saint Luke's Multi-Specialty Clinic
4. Outcomes Pharmaceutical Health Care
5. Kansas City University of Medicine and Biosciences, Dybedal Clinical Research Center
6. Kansas City Free Medical Clinic
7. FDA Pharmacy Student Experiential Program
8. Shawn Burke (Coventry Health Care of Kansas, Inc)
9. Consumer Health Information Corporation
10. Russell B Appleby / Cherokee Indian Hospital
11. Amy L. Christensen (BCBS of KC)
12. Beyond Rx
13. Balls Food Stores Corporate Office

Kim Grinston reported. Tom Glenski reported and suggested the application for Consumer Health Information Corporation lists a Canada address and should be pulled to obtain additional information

Motion was made by Elaina Wolzak, seconded by Pam Marshall, to approve the Intern Training Special Site Applications listed, except for Consumer Health Information Corporation, for 500 hours. Motion passed, all in favor including President Riddle, none opposed, Janine Burkett, Melissa Graham, and Anita Parran absent.

#C2 STLCOP and UMKC College of Pharmacy

- STLCOP Site Listing

- STLCOP Preceptor Listing
- UMKC Site Listing
- UMKC Preceptor Listing

Discussion was held. **Motion was made by Elaina Wolzak, seconded by Pam Marshall, to approve the STLCOP and UMKC's site and preceptor lists as presented. Motion passed, all in favor including President Riddle, none opposed, Janine Burkett, Melissa Graham, and Anita Parran absent.**

#D1 ITEM REMOVED FROM AGENDA

#D2 Compounding for Office Use

- Missouri Rule
- Alabama Rule
- California Rule
- Florida Rule
- Georgia Rule
- Iowa Rule
- Kentucky Rule
- Louisiana Rule
- North Carolina Rule
- North Dakota Rule
- New Mexico Rule
- Ohio Rule
- South Carolina Rule
- Texas Non-Sterile Rule
- Texas Sterile Rule
- Virginia Rule
- Email from Kansas BOP
- MPA's Task Force
- Premier Compounding Pharmacy

Kim Grinston reported and it was Board consensus to table this matter so that the full Board can participate in the discussion.

Marty Michel presented to the Board that he is in favor of compounding for office use.

Christian Tadrus presented about how the Pharmacy Board will interact with the Board of Healing Arts as concerns implementation.

Sam Leveritt reported that all drugs from their pharmacy must be given to someone authorized to handle nuclear drugs. The practice of nuclear pharmacy is all about giving the drugs to physicians/hospitals for administration to their patients.

#D3 Issues Affecting Nuclear Pharmacy

- Inspection Letter

- MO Nuclear Pharmacy Technician White Paper
- NANP Model Rules for Nuclear Pharmacy

Kim Grinston reported. It was consensus of the Board to table this matter for discussion by the full Board. Sam Leveritt of Cardinal Health commented that the requirement for licensure as a drug distributor by nuclear pharmacies should not apply, and suggested a nuclear pharmacy working group be established by the Board for topics specific to the nuclear pharmacy practice.

#D5 Immunization Requirements – Open Forum

- Immunization CE Course Report

Kim Grinston reported. Tom Glenski provided a verbal report about a continuing education program he recently presented. Board members and members of the public expressed their appreciation to Mr. Glenski for his presentations. It was also commented that the checklists provided are also helpful. Discussion was held.

Rebecca Hefley of Foundation Care Pharmacy and an American Pharmacist Association trainer presented to the Board. Ms. Hefley expressed concern that the paperwork associated with pharmacist immunizing is too cumbersome and is not sure that was the Board's intent.

Peggy Kuehl of UMKC presented to the Board. Ms. Kuehl commented that the notification portion was what was burdensome. Their president had experienced that it took almost a whole day to do notifications. She asked that pharmacists be held to the same standards as nurses and their requirements.

Rebecca Hefley indicated her protocol physician wouldn't sign the protocol this year because of all the notifications. Tom Glenski suggested that the physician contact the Board of Healing Arts to make them aware of the issue.

Ron Fitzwater of the Missouri Pharmacy Association presented and suggested that this is an ongoing process.

Kristol Chism, Pharmacy Supervisor for Walgreens, presented to the Board. Ms. Chism echoed the fact that notifications are burdensome as is the requirement for re-signing the protocols.

Pam Marshall commented that new graduates cannot be included in protocols because they must be signed prior to the flu season.

James Gray of BJC presented that BJC administers approximately 30,000 flu vaccines per week. His organization provides a carbonless paper copy of consent forms to the physicians to serve as the notification.

Kim Grinston reported that the Notification of Intent form must be filed online, rather than filing a paper form with the Board office. She clarified that submission of the paper form will not be included on the public registry, unless the Board is specifically notified.

MOTION TO CLOSE 11:14 AM

At 11:14 a.m. Barbara Bilek made a motion, seconded by Pam Marshall, 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 including President Riddle, none opposed, Janine Burkett, Melissa Graham, and Anita Parran absent.

MEMBERS OF THE PUBLIC AND THE COURT REPORTER LEFT THE MEETING ROOM AT 11:14 AM.

RECONVENE OPEN 1:29 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 1:29 p.m.

MEMBERS OF THE PUBLIC, INCLUDING A COURT REPORTER, ENTERED THE MEETING ROOM AT 1:29 PM

#B1 Stanley Martka, #029464, 18422 Woodland Meadows, Wildwood, MO 63038, #2009-007360

- Probation Violation Complaint

A violation of discipline hearing was scheduled for September 14, 2010, at 1:30 p.m. A court reporter was present and the hearing began at approximately 1:33 p.m. The Board was represented by Lanette Gooch, and Stanley Martka was present and represented by Arthur Margulis. The hearing concluded at approximately 2:07 p.m. A copy of the transcript is on file with the Board of Pharmacy.

Pam Marshall inquired if pharmacists are allowed to immunize that are in the process of reciprocating their license to Missouri that may be registered as technicians, but before they are issued a temporary letter. Discussion was held. Ms. Marshall asked that this be considered when revising the immunization regulations.

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 2:10 PM

At 2:10 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 including President Riddle, none opposed, Janine Burkett, Melissa Graham, and Anita Parran absent.

MEMBERS OF THE PUBLIC AND THE COURT REPORTER LEFT THE MEETING ROOM AT 2:10 PM.

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 5:32 p.m.

MOTION TO ADJOURN 5:33 PM

At approximately 5:33 p.m., motion was made by Barbara Bilek seconded by Pam Marshall, to adjourn the September 14, 2010, regular open session meeting. Motion passed, all in favor including President Riddle, none opposed, Janine Burkett, Melissa Graham, and Anita Parran absent.

KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR

DATE APPROVED: 4/17/12