

OPEN MINUTES
Missouri Board of Pharmacy

November 17, 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 8:32 a.m. on November 17, 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
Melissa Graham, R.Ph., Member

Board Members Absent

Janine Burkett, R.Ph., Member
Pamela Marshall, 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
Barbara Wood, Inspector
Tammy Siebert, Executive I

Others Present

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

MOTION TO CLOSE 8:33 AM

At 8:33 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

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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, Pam Marshall, and Anita Parran absent.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 8:33 AM.

JANINE BURKETT ENTERED THE MEETING ROOM AT 8:44 AM

RECONVENE OPEN 9:04 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 9:04 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 9:05 AM

#A1 Agenda Additions/Corrections

Kim Grinston reported regarding a new item #DH9 added to the open agenda, which can be found in the Board members' folders. The Randall Berger hearing, Item #B2, has been continued.

#B2 Randall M. Berger, #043330, #2008-007505 –F1

- Notice of Felony Disciplinary Hearing
- Felony Conviction Complaint

#A2 Board Member Report

Elaina Wolzak reported regarding her attendance at the NABP Board Member Forum in September. Barbara Bilek reported regarding her and Kim Grinston's attendance at the Board of Healing Arts' meeting during their review of the medication therapy services draft rules.

#A3 General Administration Report:

- Financial Report – Enclosures
- Renewal Report – Enclosures
- Legislative Report
- Expedited Partner Therapy Rules (H 1375) – Enclosures
- Personnel Recognition
- 2011 Meeting Dates

Kim Grinston reported that Jami Kallenbach resigned from the Board staff and her replacement will begin November 16th.

Financial Report – President Riddle commented regarding no indication of payments made to the Attorney General's Office or Loretta Schouten so far this fiscal year for legal services rendered.

Renewal Report – Kim Grinston reported that over 95% of pharmacists have renewed, and reported regarding questions/complaints received regarding the vendor processing fee charged for renewals. Ms. Grinston also reported that pharmacy interns are currently renewing and mentioned that technicians will continue to use the paper renewal rather than the postcards next year.

Kim Grinston reported that an electronic technician termination notification form will be available on the Board's website by the end of the year.

Legislative Report – Kim Grinston reported regarding HB1375. State agencies have met and will be drafting the expedited partner therapy regulations. Drugs should be dispensed by public health departments until the regulations are in place. Questions by Sam Leveritt of Cardinal Health and Steve Callaway of the University of Missouri. Kim Grinston also reported that the office is getting ready for the upcoming legislative session. The Division has not yet received approval from the Governor's office to pursue the Board's proposed legislation package.

2011 Meeting Dates – Kim Grinston reported.

Open Meeting Agenda – Kim Grinston reported that not all of the public agenda will be printed and available at the meeting. Members and the public are encouraged to review and print the pages from the Board's website.

Personnel Recognition – Tom Glenski recognized Mike Kidd for his years of service and retirement from the Board, and presented him a clock from the Board. Kim Grinston introduced Dan Vandersand present who was in the audience as Mike Kidd's replacement effective December 2, 2010.

#A4 Approval of Minutes

- March 23, 2010 Conference Call

Motion was made by Elaina Wolzak, seconded by Barbara Bilek, to approve the minutes of the March 23, 2010, open session conference call meeting. Motion passed, all in favor, none opposed, Pam Marshall and Anita Parran absent.

- June 3, 2010 Conference Call

Melissa Graham commented that she was present at this meeting and Gary Sobocinski was no longer on the Board at the time of this conference call. **Motion was made by Elaina Wolzak, seconded by Barbara Bilek, to approve the minutes of the June 3, 2010, open session conference call meeting with changes as noted above. Motion passed, all in favor, none opposed, Pam Marshall and Anita Parran absent.**

- August 27, 2010 Conference Call

Melissa Graham commented that she was also present at this meeting. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the minutes of the August 27, 2010, open session conference call meeting with the change noted**

above. Motion passed, all in favor, none opposed, Pam Marshall and Anita Parran absent.

- September 30, 2010 Conference Call

Motion was made by Barbara Bilek, seconded by Elaina Wolzak, to approve the minutes of the September 30, 2010, open session conference call meeting. Motion passed, all in favor, none opposed, Pam Marshall and Anita Parran absent.

#C1 Applications for Intern Training Pharmacy Special Site

1. John J Pershing VA Medical Center
2. Kansas City VA Medical Center – Pharmacy Service
3. Nevada Regional Medical Center – Department of Pharmacy
4. Southside Family Practice

Tom Glenski reported. Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve the listed Intern Training Pharmacy Special Site applications for 500 hours. Motion passed, all in favor, none opposed, Pam Marshall and Anita Parran absent.

#C2 STLCOP and UMKC College of Pharmacy

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

Tom Glenski reported that BJC Healthcare and Covidien-Medical Affairs from STLCOP's site list must submit special site applications and cannot be approved at this time. Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the STLCOP and UMKC site/preceptor lists, except for BJC Healthcare and Covidien-Medical Affairs. Motion passed, all in favor, none opposed, Pam Marshall and Anita Parran absent.

#D1 Customized Patient Medication Package

- Letter from Schlemeier
- Michigan
- Georgia
- Wisconsin
- Colorado
- Iowa
- New Mexico
- Rhode Island
- California
- United States Pharmacopeial Convention

Kim Grinston and President Riddle reported and discussion was held. Jorgen Schlemeier reported to the Board that proposals were presented based on what is working in other states and that they are not reinventing the wheel. Discussion was

held. It was Board consensus to begin looking into the matter through the regulatory process.

#D2 Medical Gas Drug Distributor Inspections

- Licensure and Inspection of FDA-registered medical gas distributors

Tom Glenski reported and discussion was held. It was Board consensus to accept Mr. Glenski's recommendation as printed in the agenda.

#D3 Secure and Responsible Drug Disposal Act

- President Obama Signs Safe and Secure Drug Disposal Act into Law
- Secure and Responsible Drug Disposal Act of 2010

Kim Grinston reported and suggested the Board wait to see what happens on the federal level before deciding what to do on the state level. Discussion was held. It was Board consensus to hold pending federal action.

#D4 DEA Statement on LTC Issues/Agents of A Prescriber

- Statement of Policy

THIS ITEM WAS REMOVED FROM THE AGENDA.

#D5 DEA Statement on Agents of the Prescriber

- Statement of Policy

Kim Grinston and Tom Glenski reported. This item is here for the Board's information only.

#D6 Scope of Administration by Prescription Order

- Email from Mike Crunk

Kim Grinston reported and asked the Board for clarification of what is allowed to be administered by prescription. Discussion was held and it was Board consensus to make no change to the Board's present position. Elaina Wolzak suggested information about this topic should be added to the Board's website. Kim Grinston reported that she is currently drafting a Pharmacy Practice Guide and this topic will be added to it. Bert McClary commented this was previously discussed during the medication therapy management rules meetings, and Ms. Grinston reported that the rule regarding Administration By Medical Prescription Order should also be considered.

#D7 Drop Sites

- Email dated August 24, 2010

Kim Grinston and President Riddle reported. It was Board consensus to table discussion of this topic to a future meeting to allow for input from the whole Board.

#D8 Pharmacy Practice Experience

- 20 CSR 2220-2.030(3)

How do the requirements of (3)(B)2. apply to pharmacy colleges where the pharmacy curriculum doesn't begin until after the 2nd year?

Kim Grinston reported that because UMKC doesn't consider students enrolled in pharmacy school until they are in their third year of school, students cannot be licensed as an intern until they have completed 30 hours in their third year of college. Elaina Wolzak suggested "completion of 30 hours" may not be necessary in our regulation; however, Barbara Bilek commented they need it for their Introductory Pharmacy Practice Experience (IPPE). Discussion was held and it was Board consensus to pursue changes to the regulation and for staff to check with the schools for further information before providing the Board with a drafted revision to the regulation.

#DH9 Update on Medication Therapy Services Rules

NO ENCLOSURES

Barbara Bilek reported additional information about her and Kim Grinston's attendance at the Board of Healing Arts' meeting. Kim Grinston reported that the Board of Healing Arts' proposed changes are in the Board's folders for informational purposes only at this time. Ms. Grinston plans to meet with BHA staff concerning their additional changes and the revisions will be brought back to the Board for further review.

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

#E1 ITEM REMOVED FROM AGENDA

#E2 Licensees Presently Under Discipline

#E3 Board Licensee Statistics

#E4 Unused Pharmaceuticals at Health Care Facilities

- Guidance Document

MOTION TO CLOSE 10:07 AM

At 10:07 a.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 and Anita Parran absent.

MEMBERS OF THE PUBLIC AND THE COURT REPORTER LEFT THE MEETING ROOM AT 10:08 AM.

RECONVENE OPEN 1:50 PM

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

MEMBERS OF THE PUBLIC, INCLUDING A COURT REPORTER, ENTERED THE MEETING ROOM AT 1:50 PM

#B1 Jeffrey Gregory, #042363, 2008-001887-F1

- Notice of Felony Disciplinary Hearing
- Felony Conviction Complaint

A felony disciplinary hearing was scheduled for November 17, 2010, at 1:30 p.m. A court reporter was present and the hearing began at approximately 1:55 p.m. The Board was represented by Loretta Schouten, and Jeffrey Gregory was present without counsel. The hearing concluded at approximately 2:12 p.m. A copy of the transcript is on file with the Board of Pharmacy.

MOTION TO CLOSE 2:14 PM

At 2:14 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, Pamela Marshall and Anita Parran absent.

MEMBERS OF THE PUBLIC AND THE COURT REPORTER LEFT THE MEETING ROOM AT 2:15 PM.

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 4:42 p.m.

MOTION TO ADJOURN 4:43 PM

At approximately 4:43 p.m., motion was made by Elaina Wolzak, seconded by Melissa Graham, to adjourn the November 17, 2010, regular open session meeting. Motion passed, all in favor, none opposed, Pam Marshall absent.

KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR

DATE APPROVED: 4/17/12