

OPEN MINUTES
Missouri Board of Pharmacy

January 26-27, 2011
Hilton Garden Inn
3300 Vandiver Drive
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 7:44 a.m. on January 26, 2011, at Hilton Garden Inn, 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
Pamela Marshall, R.Ph., Member
Dale Smith, R.Ph., Member
Anita Parran, Public Member

Staff Present

Kimberly Grinston, Executive Director
Tom Glenski, R.Ph., Chief Inspector
George McConnell, R.Ph., Inspector
Andi Miller, R.Ph., Inspector
Steven Smith, R.Ph., Inspector
Dan Vandersand, R.Ph., Inspector
Sid Werges, R.Ph., Inspector
Barbara Wood, Inspector
Tammy Siebert, Executive I

Staff Absent

Frank Vanfleet, R.Ph., Inspector

Others Present

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

MOTION TO CLOSE 7:45 AM

At 7:45 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

Missouri Board of Pharmacy
Open Minutes
January 26-27, 2011
Page 1 of 11

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 7:45 AM.

RECONVENE OPEN 8:37 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 8:37 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 8:38 AM

President Riddle introduced Dale Smith as a new member of the Board.

#A1 Agenda Additions/Corrections

Kim Grinston and Tom Glenski reported regarding additional information for items #C1 and #C2, which are found in Board members' folders. Kim Grinston reported that items #D5, #D8-D10 have been removed from the agenda.

#A2 Board Member Report

Pam Marshall reported she attended a meeting titled Health Disparities in America at St. Louis College of Pharmacy presented by Dr. David Satcher, the 16th U.S. Surgeon General.

Barbara Bilek reported she and Kim Grinston attended the Board of Healing Arts' meeting regarding the proposed medication therapy services regulation.

#A3 General Administration Report:

- Office/Renewal Update
- Financial Report
- 2011 Legislation (Materials to be provided)
- Pharmacy Practice Guide
- Compliance Initiatives
- Employee Recognition
- NABP Annual Meeting
- Strategic Planning
- Preliminary 2012 Legislation
- DEA Drug Take Back Day

Office/Renewal Update – Kim Grinston reported the Board's pharmacist continuing education audit will be mailed Friday, January 28, 2011. She also reported that intern renewals are completed. Technician renewals will be mailed March 1st and will not be sent post cards like was done for pharmacists and interns. Kim Grinston reported regarding an online system for applicants to check the status of their application that is currently being implemented; the plan is to begin with pharmacists.

Financial Report – Kim Grinston reported that the Board is approximately \$85,000 ahead of budget projections and commented regarding the Board's five-year fund projections. It's possible the Board will need to consider a fee decrease at some point in the future. President Riddle commented that although we have excess funds, the public should know there are plans to spend some of the money to improve staff efficiency. Kim Grinston reported there has been no indication of legislation this year for sweep of Board funds.

2011 Legislation – Kim Grinston reported the Governor's Office did not approve the Board's proposed civil fines language, but did approve the proposed legislation to discipline pharmacies/drug distributors based on history of corporate officers/owners. Kim Grinston reported regarding recent newspaper articles involving the Board of Healing Arts, and as a result, the Governor's Office has approved legislation involving the Administrative Hearing Commission's discretion to not impose certain amounts of discipline, to allow for expedited hearings before the boards with appeals to go before the circuit court, AHC decisions to be issued within a certain amount of time, AHC cases can be dismissed if the licensee does not appear for a hearing, and confidentiality provisions will be reviewed concerning certain disclosure information.

Compliance Initiatives – Kim Grinston reported that a drafted Pharmacy Practice Guide has been distributed to Board members for preliminary review, and the office plans to make it available to the public in February. Ms. Grinston asked the Board for clarification concerning remaining refills on prescriptions written by prescribers that have deceased. It was Board consensus to maintain the Board's current position to leave it at the pharmacist's discretion. Ms. Grinston then reported regarding out-of-state prescribers that have prescribing authority in another state, but not in Missouri. Bert McClary commented that BNDD's position was originally implemented based on the Board's position, and suggested the Board not judge the validity of an appropriately written, legal prescription in another state. Doug Lang commented that his company would like to get specific direction from the Board, possibly by way of a legislative or regulatory change. James Gray commented the Board should put its decision in the context of the new healthcare system. Mr. McClary then commented the authority of BNDD and DEA is to regulate the distribution of controlled substances prescribed, not about the clinical aspect of controlled substances. It was Board consensus to allow prescriptions written by out-of-state prescribers, but tabled the discussion on supply limits, etc., until the strategic planning meeting. Kim Grinston reported a PIC FAQ has been drafted and will be published soon, and a technician FAQ is also being drafted. Ms. Grinston reported an online training webinar regarding immunizations is being organized.

Employee Recognition – Item postponed to the April meeting.

NABP Annual Meeting – Kim Grinston asked if Board members are interested in attending, let her know, and the office will request the out-of-state travel authorization.

Strategic Planning – Ms. Grinston requested strategic planning meeting topics be sent to her.

2012 Legislation – Kim Grinston reported and requested suggestions for the Board's 2012 legislative proposal.

DEA Drug Take Back Day – The next scheduled DEA drug take back event is scheduled for April 30, 2011. The Board's educational materials will be updated and posted to the website.

Electronic Technician Termination Form – Kim Grinston reported an electronic technician termination notification is now available on the Board's website. It was also suggested the link be available in the applications/forms section of the website.

#A4 Approval of Minutes

- December 15, 2010 Conference Call

Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve the minutes of the December 15, 2010, open session conference call meeting. Motion passed, all in favor, none opposed.

#C1 Applications for Intern Training Pharmacy Special Site

- Alaska Native Medical Center
- BJC Healthcare – Clinical Workflow Improvement
- DrugDigest
- Forest Pharmaceuticals, Inc.
- MedTrack Pharmacy Services
- MOCH Pharmacy
- Natural Standard
- The Rehabilitation Institute of St. Louis
- St. John's/St. Francis Hospital
- Scott Air Force Base
- Affiliated Computer Services, RxDelivery Services, A Xerox Company
- Dept of Veteran Affairs Medical Center, Maureen Telle, R.Ph.
- Harry S. Truman Memorial Veterans Hospital
- HbL Pharma Consulting, Hedva A Levy
- Humana
- Illinois Department of Human Services, Bureau of Pharmacy and Clinical Support Services
- Missouri Poison Center
- North Central Community Health Center / St. Louis County Dept of Health
- Northern Navajo Medical Center
- Novartis Pharmaceuticals, Ronald E Weaver
- Oncology Hematology Associates of Central Illinois, PC dba Illinois CancerCare, PC, Michele A Rice

- Sanofi Aventis, Darren M Stam
- Schnuck Markets, Inc, Robert Mueller
- Senior RxAccess, Amy C DeWein
- Sioux San IHS Hospital Pharmacy
- South County Dept of Health / Institute for Family Medicine
- St. Louis College of Pharmacy
- St. Louis County Justice Center
- UMASS/Commonwealth Medicine
- USP Leavenworth
- VA Medical Center
- Washington University School of Medicine Infectious Disease Clinic
- Wolters Kluwer Health

Tom Glenski reported there are several additional special site applications in the handout agenda and one in the Board members' folders. He further reported that MOCH Pharmacy is already a licensed pharmacy and does not need special site approval, plus St. Louis College of Pharmacy is a renewal not a new application.

Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the listed Intern Training Pharmacy Special Site applications for 500 hours, except for MOCH Pharmacy. Motion passed, all in favor, none opposed.

#C2 STLCOP and UMKC College of Pharmacy

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

STLCOP Site List - Tom Glenski reported the two Rinderer's Pharmacy locations and Proctor and Gamble (special site not an Ohio pharmacy) should be removed from STLCOP's site list. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve the STLCOP site list, except for the two Rinderer locations and Proctor and Gamble. Motion passed, all in favor, none opposed.**

STLCOP Preceptor List - Tom Glenski reported John Morris (not in Missouri) and Thomas Murray (license expired) should be removed from the list. **Motion was made by Barbara Bilek, seconded by Melissa Graham, to approve the STLCOP preceptor list, except for John Morris and Thomas Murray. Motion passed, all in favor, none opposed.**

UMKC Site List - Tom Glenski reported UMKC corrected and resubmitted part of their site list (in Board member folders) and St. Johns Health System Pharmacotherapy is not currently being used so should be removed from UMKC's site list. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the UMKC site list, with revisions as noted. Motion passed, all in favor, none opposed.**

UMKC Preceptor List - Tom Glenski reported there are no changes to the UMKC preceptor list. **Motion was made by Barbara Bilek, seconded by Dale Smith, to approve the UMKC preceptor list. Motion passed, all in favor, none opposed.**

#D2 Pharmacy Technician Training

- September 14, 2010 meeting minutes (pages 17-39)
- NABP 2011 Survey of Pharmacy Law (pages 36-40)
- PTCB Home page
- PTCB FAQ's
- ExCPT – About us
- ExCpt – Exam Candidate's Guide

Kim Grinston and President Riddle reported, and discussion was held. Anita Parran asked for statistical information to support that technician certification helps to protect the public. Barbara Bilek suggested an online survey of licensees including small businesses be implemented to get additional data/information for consideration. Sam Leverett of Cardinal Health provided handout information to the Board regarding nuclear pharmacy technicians and verbally reported he's been unable to find statistical information about technician training. Nicole Alcock, Missouri Society of Health-System Pharmacists, commented the 2009 NABP Task Force suggested certification by 2015 and the new healthcare systems are going to cause need for the Board to have standards in place. James Gray, Barnes Jewish in St. Louis, commented there is a problem with the definition of technician, and suggested separating certain technician duties that require specialized training instead of keeping all techs in one category. President Riddle suggested, and it was Board consensus, that a survey of licensees be implemented and a Board task force be organized.

January 26, 2011 10:30 a.m.

#D1 Annual Meeting with Colleges of Pharmacy

Valerie Ruehter was present from UMKC and introduced new UMKC Dean Russell Melcher. Dean Melcher presented to the Board that 2010 was the first graduating class from the UMKC Columbia satellite facility, and 2011 faculty and students will be awarded a community service award. UMKC has received a six-year accreditation and will be undergoing a major change—going to a 2:4 (2 years of prerequisite education and then entrance into 4 years of pharmacy school). Kim Grinston inquired about UMKC's foreign site(s); Ms. Ruehter reported their foreign programs are working very well and are interactive/collaborative for the students.

Dean Wendy Duncan and Tricia Berry were present for STLCOP. Dean Duncan reported STLCOP has a new president, John Pieper and also reported they are looking at curriculum structure, possibly going to a seven-year program. She also reported STLCOP has received nearly \$1M in grants this year for research and health literacy.

#D3 Licensing Rules

- 20 CSR 2220-7.XXX

DISCUSSION:

In 2009, the office began revisions of the Board's licensing rules. The attached revisions were provided to UMKC and STLCOP for review. Many of the suggested school changes have been included. Discussion requested.

Kim Grinston reported she must complete the fiscal notes for these drafted regulations before the Board can officially approve to process for rulemaking. Ms. Grinston requested public input regarding removal of the requirement for interns to be enrolled in school for 30 hours before they are eligible for an intern license. It was Board consensus to approve removal of the 30-hour requirement.

Kim Grinston reported a revision was incorporated to include language for approval of non-licensed pharmacists to be preceptors. Tricia Berry of STLCOP commented that she's supported this concept for quite some time, especially in research situations. Valerie Ruehter also commented that various circumstances where this concept would be beneficial. Dean Melcher commented the accreditation board will not allow a large amount of this type of preceptor, but are also asking how students are interacting with inter-profession relationships. Pam Marshall inquired how the schools will follow up with non-licensed preceptors. It was Board consensus to allow non-licensed pharmacists to be preceptors.

Kim Grinston commented that reciprocity applicants still have 90 days to be licensed before they are required to register as a pharmacy technician. This was inadvertently left out of the regulation, but will be included.

Kim Grinston pointed out the revised continuing education dates in the drafted rules.

Valerie Ruehter asked that 7.025(4) Calculation of Hours be changed to include administration of immunizations.

#D4 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 for office staff to draft a regulation since this practice is already happening.

#D5 REMOVED FROM THE AGENDA

#D6 Drop Sites

- Email dated August 24, 2010

Kim Grinston and President Riddle commented that a question has come up regarding leaving prescriptions at assisted living facilities. Tom Glenski reported assisted living facilities fall within the LTC definition and prescriptions can be left at the reception desk of those facilities. Bert McClary reported that regulations are in place for drugs to be stored only in locked areas and accessed by those specifically authorized. Pam Marshall inquired about where the regulatory line lies for delivered prescriptions. Tom Glenski reported that once the prescription is delivered, it then falls within the authority of the LTC facility. Ms. Marshall then asked about non-licensed facilities such as older adult housing facilities. Discussion was held. It was Board consensus to add this topic to the strategic planning meeting for further discussion.

#D7 Medication Therapy Services Rules

Kim Grinston reported three issues are pending and need review by the full Board of Healing Arts; i.e., 50 mile requirement, how often a prescriber must be notified, and how often pharmacist activities must be reviewed. Barbara Bilek, Pam Marshall and Kim Grinston provided written information to BHA for their review at their January 21st meeting. The Board of Healing Arts did not accept any of our comments. **Motion was made by Barbara Bilek, seconded by Pam Marshall, to approve the medication therapy services rules as presented. Motion passed, all in favor, none opposed.** Ron Fitzwater of the Missouri Pharmacy Association commended Kim Grinston and the Board on their work on the MTS regulations.

#D8-D10 REMOVED FROM AGENDA

#D11 Investigational Drugs Proposed Legislation

Kim Grinston reported the Board has not yet received approval from the Governor's Office to pursue this legislative initiative. Ms. Grinston commented (4)(e) mirrors the emergency regulation very closely, is not necessary, and suggested it be deleted from the proposed legislation. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to support the proposed legislation with the removal of (4)(e). Motion passed, all in favor, none opposed.**

Kim Grinston reported the Board's lawbook has been updated and is now available on the Board's website.

Kim Grinston reported the well-being committee request for bid proposal has been released and will be reviewed by the Board in April. Ms. Grinston further reported that the Board of Nursing has completely opted out of implementing a well-being program, taking the position that it's not the function of the Board.

Kim Grinston reported the Board's inspectors assisted BNDD with implementation of the pseudoephedrine tracking database by contacting pharmacies BNDD was not able to reach.

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

#E1 2011 Survey of Pharmacy Law

- NABP 2011 Survey of Pharmacy Law

#E2 Licensees Presently Under Discipline

#E3 Board Licensee Statistics

JASON MENKEN ENTERED THE MEETING ROOM AT 11:46 AM

MOTION TO CLOSE 11:47 AM

At 11:47 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.

MEMBERS OF THE PUBLIC AND THE COURT REPORTER LEFT THE MEETING ROOM AT 11:47 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 1:30 PM

#B1 Randall M. Berger, #043330, #2008-007505 –F1

- Notice of Felony Disciplinary Hearing
- Felony Conviction Complaint

President Riddle reported that Randall Berger's disciplinary hearing scheduled for today at 1:30 pm has been cancelled due to settlement.

#B2 Kristina Stark, #2002022650, #2010-000603-V2

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

A violation of discipline hearing was scheduled for January 26, 2011, at 1:30 p.m. A court reporter was present and the hearing began at approximately 1:30 p.m. The Board was represented by Loretta Schouten, and Kristina Stark was present without counsel. The hearing concluded at approximately 1:55 p.m. A copy of the transcript is on file with the Board of Pharmacy.

MOTION TO CLOSE 1:57 PM

At 1:57 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.

MEMBERS OF THE PUBLIC AND THE COURT REPORTER LEFT THE MEETING ROOM AT 1:58 PM.

RECONVENE OPEN 2:26 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 2:26 p.m.

#B3 Mark Wagenknecht, #042316, #2010006399-V1

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

A violation of discipline hearing was scheduled for January 26, 2011, at 2:30 p.m. A court reporter was present and the hearing began at approximately 2:34 p.m. The Board was represented by Loretta Schouten, and Mark Wagenknecht was present without counsel. The hearing concluded at approximately 2:55 p.m. A copy of the transcript is on file with the Board of Pharmacy.

MOTION TO CLOSE 2:56 PM

At 2:56 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.

MEMBERS OF THE PUBLIC AND THE COURT REPORTER LEFT THE MEETING ROOM AT 2:57 PM.

RECONVENE OPEN
THURSDAY, JANUARY 27, 2011

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 10:32 a.m. on Thursday, January 27, 2011.

MOTION TO ADJOURN 10:33 AM

At approximately 10:33 a.m., motion was made by Barbara Bilek, seconded by Dale Smith, to adjourn the January 26-27, 2011, regular open session meeting. Motion passed, all in favor, none opposed.

KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR

DATE APPROVED: 4/17/12