

**OPEN MINUTES
Missouri Board of Pharmacy**

**November 16, 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 Pamela Marshall at 8:02 a.m. on November 16, 2011, at Hilton Garden Inn, Columbia, Missouri.

Board Members Present

Pamela Marshall, R.Ph., President
Janine Burkett, R.Ph., Vice President
Barbara Bilek, R.Ph., Member
James Riddle, R.Ph., Member
Anita Parran, Public Member

Board Members Absent

Melissa Graham, R.Ph., 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
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 8:03 AM

At 8:03 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, Melissa Graham absent.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 8:03 AM.

RECONVENE OPEN 8:41 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 8:41 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 8:42 AM

#A1 Agenda Additions/Corrections

Kim Grinston reported regarding additional information for items #A3, #C1, and new items at #D4A, D5A.

#A2 Board Member Report – Nothing reported.

#A3 General Administration Report

- **Financial Report** – Kim Grinston reported about continued problems the Division office is having with inserting the Board's proposed budget numbers into the balance sheet. Ms. Grinston also reported about the fund balance and the possibility of a sweep of Board funds; she will be working with the Division accounting office about projections and will return the information to the Board at the next meeting. Ms. Grinston also reported about her intent to request a clerical FTE in 2013.

- **"Compliance Is Key" Update** – Kim Grinston provided a verbal report about recent webinars, including a BNDD webinar held November 10th. Webinars, once presented, will be posted on the Board's website for reference but are not eligible for continuing education.

- **2012 Meetings** – Kim Grinston reported that the hotel contract for the 2012 Board meetings was awarded to the Courtyard by Marriott in Columbia.

- **Employee Recognition** – Kim Grinston presented Tom Glenski a 15-year service plaque.

#A4 Approval of Minutes

- January 27-28, 2010

Motion was made by Barbara Bilek, seconded by James Riddle, to approve the minutes of the January 27-28, 2010, open session meeting as printed. Motion passed, all in favor, including President Marshall, none opposed, Anita Parran and Janine Burkett abstained, Melissa Graham absent.

- April 28-29, 2010

Motion was made by Barbara Bilek, seconded by James Riddle, to approve the minutes of the April 28-29, 2010, open session meeting as printed. Motion passed, all in favor, including President Marshall, none opposed, Anita Parran abstained, Melissa Graham absent.

#C1 Applications for Intern Training Pharmacy Special Site

- Cardinal Health, Inc.
- CVS District 3507
- CVS Pharmacy Regional Business Office
- Pfizer, Inc. – Medical Outcomes Specialists
- UMKC School of Pharmacy – Honduras Site
- Missouri Pharmacy Association

Discussion was held. **Motion was made by Barbara Bilek, seconded by Anita Parran, to approve the Intern Training Pharmacy Special Site applications listed for 500 hours each. Motion passed, all in favor, none opposed, Melissa Graham 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 Barbara Bilek, seconded by James Riddle, to approve the STLCOP and UMKC site and preceptor lists as presented. Motion passed, all in favor, none opposed, Melissa Graham absent.**

#D1 Expedited Partner Therapy

- 20 CSR 2150-5.020 Nonpharmacy Dispensing
- 20 CSR 2150-5.021 Expedited Partner Therapy

Kim Grinston reported these are Board of Healing Arts proposed rules, and she has inquired of the Board of Healing Arts about “dispensing”, “pill” and what name will appear on the prescription. Janine Burkett commented there may be problems with insurance processing if a different person’s name is on the prescription. Discussion was held.

James Riddle commented he doubts it was meant for only one dose of medication to be dispensed as indicated in (6)(B) “physician shall dispense one dose of medication” and (C) states “shall dispense one therapeutic unit of medication for the patient’s ...” Additional discussion was held. Kim Grinston will report the Board’s comments to the Board of Healing Arts and return the pharmacy portion of the rule to the Board at the January meeting.

#D2 CE for Board Meeting Attendance

- State comparisons

Kim Grinston reported a regulation will need to be promulgated if the Board wishes to offer continuing education for attendance at Board meetings. Discussion was held. James Riddle and Janine Burkett commented they prefer Florida’s language, but 10 hours is too high. Pam Marshall suggested the Board issue CE for technicians as well as pharmacists. General comments were received from the public and agreed the

number of hours should not be too high and there needs to be a limit per year. Anita Parran commented the Florida language is cumbersome.

#D3 Drop Sites

- 20 CSR2220-2.013 Delivery of Prescription Medications

Kim Grinston reported regarding delivery of medications to unlicensed locations; i.e., grocery stores, etc., and commented that most of the revisions are to (2)(D). It was noted mail order currently delivers to any address designated by the patient, and language from Oklahoma is provided in Board member folders. Discussion was held about accountability issues with the language in (D), about patients signing HIPAA waivers, and liability issues when delivering to unlicensed facilities. James Gray commented there should be one set of standard for both mail order and everyone else, and also commented his pharmacy currently delivers to homeless people under bridges. Mr. Gray also asked that the rule address packaging requirements for delivered prescriptions. Sam Leveritt requested an exemption in the rule for nuclear pharmacies to deliver to mobile facilities. Kim Grinston commented some states have separate classifications for this type of practice.

JASON MENKEN ENTERED THE MEETING ROOM AT 9:45 A.M.

It was Board consensus to accept the proposed (D) language, but add security features as discussed and ensure it's not too cumbersome or cost prohibitive for pharmacies to comply. **Motion was made by James Riddle, seconded by Anita Parran, for office staff to revise and return to the Board for review. Motion passed, all in favor, none opposed, Melissa Graham absent.**

#D4A Foreign Pharmacy Graduate Examination Committee Sets Limitations

- Memo from Boyle
- Email from Boyle

Kim Grinston reported and discussion was held.

#D5A 20 CSR 2220-2.675

- 20 CSR 2220-2.675 Proposed Rule
- Public Fiscal Note
- Private Fiscal Note
- Letter from Seth Taylor, Missouri Agribusiness Association

Kim Grinston reported regarding the comment received. Discussion was held. James Riddle commented (9) should read "...prescription labels may be manually written and numbered..." **Motion was made by Barbara Bilek, seconded by Janine Burkett, that the Missouri Board of Pharmacy, based upon reasonably available empirical data including an assessment of the effectiveness and costs both to the state and to any private or public entity affected, hereby finds that proposed regulation 20 CSR 2220-2.675 Standards of Operation/Licensure for Class L Veterinary Pharmacies is necessary to carry out the purposes of Section 338.010, 338.140,**

338.210 and 338.280, RSMo, authorizing the subject matter of the rule. Motion passed, all in favor, none opposed, Melissa Graham absent.

#A3 General Administration Report

- **Revision of Hospital Pharmacy Rules** – Kim Grinston reported concerning issues involving excessive medication waste in emergency situations. Bert McClary commented the language only addresses direct dispensing from an emergency department, and additional language is needed to address multi-dose dispensing for in-patient use that can be sent home with the patient. Kim Grinston noted the most recent version of the rule was inadvertently not included in the agenda, and suggested the discussion focus on the emergency language in (A). James Gray commented about patient access to healthcare, lack of ability to pay for services, and situations involving sexual assault patients seen in their emergency room. Curt Thompson inquired if the Department of Health considers this outpatient dispensing, and Bert McClary stated it has never been considered as such, but is instead considered physician dispensing, and is applied to both ER and in-patient discharge patients. Language may need to include instances of when a patient won't otherwise have the prescription filled. Barbara Bilek commented outpatient labeling may be cost prohibitive and the hospital's name/address is not usually on the label of an in-patient prescription. Kim Grinston asked if "prematurely discontinue use" is too loose in 2. James Riddle commented "...or may prematurely discontinue use" should be deleted or change it to "other necessary medications to treat an acute condition/episode" and then delete the last two lines of what's listed in the agenda. Kim Grinston suggested she take these changes back to the working group for further discussion.

MOTION TO CLOSE 10:49 AM

At 10:49 a.m. Barbara Bilek made a motion, seconded by James Riddle, 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, Melissa Graham absent.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 10:49 AM.

RECONVENE OPEN 1:16 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 1:16 p.m.

MEMBERS OF THE PUBLIC AND A COURT REPORTER ENTERED THE MEETING ROOM AT 1:17 PM

PAM MARSHALL LEFT THE MEETING ROOM AT 1:17 PM AND JANINE BURKETT ASSUMED CHAIR OF THE MEETING.

#B1 Shannon Welch, #044753, PIC/Sinks Pharmacy, #2008006197, 606 Highway 63 South, Vienna, Missouri, 65582, #2008-001343 (Sidney Werges)

- Notice of Disciplinary Hearing
- Complaint
- Stipulation
- Consent Order

A disciplinary hearing was scheduled for November 16, 2011, 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 Loretta Schouten, and Shannon Welch was present and was represented by Thomas Vaughn. The hearing concluded at 2:40 p.m. A copy of the transcript is on file with the Board of Pharmacy.

PAM MARSHALL RETURNED TO THE MEETING ROOM AT 2:42 AND RESUMED CHAIR OF THE MEETING.

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

#E1 Licensees Presently Under Discipline

- Pharmacists
- Pharmacy Interns
- Pharmacies
- Drug Distributors
- Pharmacy Technicians – Conditional Registration
- Pharmacy Technicians – Employment Disqualification List

#E2 Board Licensee Statistics

MOTION TO CLOSE 2:43 PM

At 2:43 p.m. Barbara Bilek made a motion, seconded by James Riddle, 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, Melissa Graham absent.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 2:43 PM.

RECONVENE OPEN 7:55 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 7:55 p.m.

MOTION TO ADJOURN 7:56 PM

At approximately 7:56 p.m., motion was made by Barbara Bilek, seconded by James Riddle, to adjourn the November 16, 2011, open session meeting. Motion passed, all in favor, none opposed, Melissa Graham absent.

KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR

DATE APPROVED: 7/11/12