

**OPEN MINUTES
Missouri Board of Pharmacy**

**April 17-19, 2012
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 Pamela Marshall at 8:30 a.m. on April 17, 2012, at Courtyard By Marriott, 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

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

Visitors as recorded in the visitor register

Others Absent

Curtis Thompson, Legal Counsel

MOTION TO CLOSE 8:30 AM

At 8:30 a.m. Anita Parran 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

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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, none opposed.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 8:31 AM.

RECONVENE OPEN 8:35 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 8:35 a.m.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 8:36 AM

#A1 Agenda Additions/Corrections

Kim Grinston reported additional information for Items #B1, #C1, #D4 and #D9 is in the addendum agenda; #B2 has been continued, the students will not appear for #D1, and #D2 has been removed from the agenda.

#B2 Brad Conley, #2008029245, 7161 Longview Drive, Fulton, MO 65251, #2011-002327 (Sidney Werges)

April 17, 2012 1:30 p.m.

- Notice of Hearing on Violation of Disciplinary Order
- Probation Violation Complaint
- Affidavit of Jennifer Garcia
- Affidavit of Jennifer Woodson

#A2 Board Member Report – Nothing reported.

#A3 General Administration Report:

- **NABP 2013 Meeting in St. Louis** – Kim Grinston reported and requested Board member attendance at the 2013 NABP Annual Meeting in St. Louis. Ms. Grinston also advised about the information in the Board member folders about the District 6 representative on NABP's Executive Committee.

- **February Financial Report** – Kim Grinston reported the fund is doing well, attorney fees are lower than usual, and state restrictions are limiting expenditures.

- **Governor's Budget Recommendation** – Kim Grinston reported the Board's FY2013 budget has not yet been approved by the legislature, but no major changes are anticipated, except that it does include a 2% salary increase for state employees, a \$6,500 core reduction in expenditures in our professional development/supplies category, and there is a reduction in the Board's evolving fund (E-fund) for criminal history fingerprint fees. Ms. Grinston reported a fund sweep bill is pending but is not currently moving.

- **Pharmacist Fee Decrease** – Kim Grinston reported regarding options for reduction of the pharmacist renewal fee rather than the initial pharmacist license application fee. An emergency rule will be required in order for a fee decrease to become effective before the 2012 pharmacist renewal period. Discussion was held. **Motion was made by Barbara Bilek, seconded by James Riddle, to proceed with**

the emergency rulemaking process to reduce the pharmacist renewal fee from \$225 to \$200. Motion passed, all in favor, none opposed.

- **Proposed 2012 Legislation** – Kim Grinston reported the prescription drug monitoring program bill is moving and likely will pass. Representative Sater is carrying the Board's bill. Ms. Grinston further reported the Governor's office approved the Board's pharmacy technician language mid-session, and therefore, has not been able to find a sponsor for the bill in the House. Unless it can be added to other legislation, it's not going anywhere this session, but Ms. Grinston suggested the Board pursue it in 2013.

- **"Compliance is Key" Update/ Request for CE update** – Kim Grinston reported about upcoming continuing education programs. **Motion was made by James Riddle, seconded by Barbara Bilek, to approve each program for one (1) hour of continuing education. Motion passed, all in favor, none opposed.**

- **Well-Being Committee** – Kim Grinston reported the Well-Being Program bid was not awarded and the Board had talked with the Missouri Association of Osteopathic Physicians & Surgeons (MAOPS) program about the possibility of our licensees joining their program. Ms. Grinston reported the Division Accounting office has concerns about contracting with MAOPS without going through the official bid process; more information will be provided at the July meeting.

- **Medical Administration by a Pharmacist** – Kim Grinston reported a regulation is being drafted by the Missouri Pharmacy Coalition for the Board's consideration.

- **Board Member Recognition** – President Marshall presented James Riddle and Barbara Bilek 5-year service plaques.

#A4 Approval of Minutes

- September 14, 2010

Motion was made by Barbara Bilek, seconded by James Riddle, to approve the September 14, 2010, open session minutes as printed. Motion passed, all in favor, none opposed, Janine Burkett and Anita Parran abstained.

- November 17, 2010

Motion was made by Barbara Bilek, seconded by James Riddle, to approve the November 17, 2010, open session minutes as printed. Motion passed, all in favor, none opposed, Janine Burkett and Anita Parran abstained.

- January 26-27, 2011

Motion was made by Anita Parran, seconded by Janine Burkett, to approve the January 26-27, 2011, open session minutes as printed. Motion passed, all in favor, none opposed.

- July 8, 2011 Technician Working Group Meeting

Motion was made by Janine Burkett, seconded by Barbara Bilek, to approve the July 8, 2011, Technician Working Group open session minutes as printed. Motion passed, all in favor, none opposed, Anita Parran and James Riddle abstained.

- October 31, 2011 Conference Call

Motion was made by Janine Burkett, seconded by James Riddle, to approve the October 31, 2011, open session conference call minutes as printed. Motion passed, all in favor, none opposed, Anita Parran abstained.

- December 14, 2011 Conference Call

Motion was made by Anita Parran, seconded by Barbara Bilek, to approve the December 14, 2011, open session conference call minutes as printed. Motion passed, all in favor, none opposed, Janine Burkett abstained.

- February 22, 2012 Conference Call

Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the February 22, 2012, open session conference call minutes as printed. Motion passed, all in favor, none opposed.

- March 14, 2012 Email

Motion was made by Barbara Bilek, seconded by Anita Parran, to approve the March 14, 2012, open session email ballot minutes as printed. Motion passed, all in favor, none opposed.

- March 27, 2012 Conference Call

Motion was made by Janine Burkett seconded by Barbara Bilek, to approve the March 27, 2012, open session conference call minutes as printed. Motion passed, all in favor, none opposed, Anita Parran abstained.

#C1 Applications for Intern Training Pharmacy Special Site

- Luke AFB Pharmacy
- National Community Pharmacists Association
- Polina Kogan – VNSNY Choice
- PRA International
- Professional Compounding Centers of America
- United States Medical Center for Federal Prisoners
- University of Missouri General Internal Medicine Clinic at Fairview

Tom Glenski reported page 2 of the University of Missouri application is in the addendum agenda. **Motion was made by Barbara Bilek, seconded by James Riddle, to approve the Intern Training Pharmacy Special Site applications listed for 500 hours. Motion passed, all in favor, none opposed.**

#C2 STLCOP and UMKC College of Pharmacy

- STLCOP Site Listing

Tom Glenski reported Walgreens #06220, 3300 Brown Road, St. Louis, should be removed from STLCOP's site list. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the STLCOP site list as presented with the change noted. Motion passed, all in favor, none opposed.**

- STLCOP Preceptor Listing

Tom Glenski reported Noha Salama is licensed in Egypt, not in the United States, and is a faculty member at STLCOP. Discussion was held. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to approve the STLCOP preceptor list as presented with the change noted. Motion passed, all in favor, none opposed.**

- UMKC Site Listing

Tom Glenski reported no concerns with UMKC's site list. **Motion was made by Barbara Bilek, seconded by James Riddle, to approve the UMKC site list as presented. Motion passed, all in favor, none opposed.**

- UMKC Preceptor Listing

Tom Glenski reported no concerns with UMKC's preceptor list. **Motion was made by Janine Burkett, seconded by James Riddle, to approve the UMKC preceptor list as presented. Motion passed, all in favor, none opposed.**

#D1 Student Discussion

Kim Grinston reported the student discussion scheduled for 5:30 p.m. today has been postponed to a future meeting.

#D5 Drop Site Rule

- 20 CSR 2220-2.013 Prescription Requirements - Draft

DISCUSSION:

Board discussion requested.

Board asked to review establishing minimum standards for required pharmacy policies and procedures

Should documentation of delivery site/recipient be required?

Kim Grinston reported the Governor's Office is concerned about 1) whether the Board should address a requirement for documenting the delivery location and age restrictions to whom medication can be delivered. 2) Should the Board implement minimum standards for policies/procedures, appropriate packaging, delivery to secure locations, documentation of where the prescription was delivered, and storage conditions. Tom Glenski commented he has concern about how returns will be handled. Discussion was held. It was pointed out the Board's rule is modeled after federal regulation and it was Board consensus to make no change to the printed rule.

Tom Glenski reported products stored offsite that are not picked up would not be allowed to be returned to stock, based on the existing 20 CSR 2220 3.040 Return and Reuse of Drugs and Devices rule. Discussion was held. **Motion was made by James Riddle, seconded by Barbara Bilek, for office staff to revise the proposed 2.013 to address the return of medications. Motion passed, all in favor, none opposed.**

#D8 Official Order for EDL/Conditional Registrants?

- Kansas Order
- Employment Disqualification Letter

DISCUSSION REQUESTED:

Should the Board issue an Official Order for EDLs/Conditional Registrants?

Kim Grinston reported and discussion was held. **Motion was made by James Riddle, seconded by Barbara Bilek, to issue a Board Order rather than EDL and conditional registration letters. Motion passed, all in favor, none opposed.**

THE BOARD WENT INTO OPEN SESSION STRATEGIC PLANNING MEETING AT APPROXIMATELY 10:03 A.M.

THE BOARD RETURNED TO OPEN SESSION AT 10:30 A.M.

#D6 House Bill 552

- 20 CSR 2220-6.100 Pharmacy Standards for Dispensing Blood Clotting Products – Draft
- House Bill No. 552
- Medical and Scientific Advisory Council (MASAC) Recommendation

DISCUSSION:

Board discussion requested regarding draft rules

Kim Grinston reported the proposed rule is here for Board review, is not ready for final approval, and a fiscal note still needs to be drafted.

CURT THOMPSON ENTERED THE MEETING ROOM AT 10:35 AM.

Kristin Marema and Michelle Rice of the National Hemophilia Foundation presented to the Board. Jay Bryant-Wimp of Mid-West Hemophilia Association also presented to the Board. Discussion was held and the parties responded to questions by the Board. Barbara Bilek commented difficulties of counseling in a hospital setting as required in (2)(A), standards/certification should be reviewed every two (2) years, and questioned about cold-chain management. Janine Burkett commented the 24-hour timeframe in (2)(F)2. could be a problem; Kim Grinston reported the language was taken from the statute. James Gray inquired if a separate pharmacy classification is anticipated for this type of practice; Kim Grinston stated it is possible but will require a statute revision. Jay Bryant-Wimp asked if a variance from the 24-hour requirement could open the pharmacy to legal liability; Curt Thompson reported that any variance from the language of the statute could be grounds for a lawsuit. Doug Lang inquired about recalls and the 24-hour requirement for contacting the patient and prescriber. Barbara Bilek suggested “next business day” be used instead of “24 hour”; Curt Thompson commented “next business day” could be defined differently by different entities. Mr. Bryant-Wimp stated there are approximately 600-700 patients in Missouri, and Kim Grinston reminded the Board the recall notification language is only for those products that actually require patient recall notification. James Gray commented it is imperative the recall be immediately reported to the patient because the next dose could be lethal. Kim Grinston suggested separate standards be established for drug factors vs ancillary supplies; Doug Lang commented the ancillary supplies are equally important. It was Board consensus for office staff and the blood disorder committee to again review.

MOTION TO CLOSE 11:39 AM

At 11:39 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.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 11:39 AM.

RECONVENE OPEN 1:31 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 1:31 p.m.

MEMBERS OF THE PUBLIC, INCLUDING A COURT REPORTER, ENTERED THE MEETING ROOM AT 1:32 PM.

#B1 Patrick Magee, #027646, Staff, Lacy Robison, #2002008333, PIC/ Wal-Mart Pharmacy, #2002009525, 1303 S Main St., Sikeston, MO 63801, #2007-005181 (Barb Wood)

- Notice of Disciplinary Hearing
- Complaint
- Waiver of Hearing, Joint Stipulation and Request for Consent Order
- Settlement Agreement Between Missouri Board of Pharmacy and Patrick Magee
- Clarification of Filing and Request for Consent Order
- Consent Order
- Page 7 of Settlement Agreement Between Missouri Board of Pharmacy and Patrick Magee

A disciplinary hearing was scheduled for April 17, 2012, at 1:30 p.m. A court reporter was present and the hearing began at approximately 1:34 p.m. The Board was represented by Loretta Schouten, and Patrick Magee was present and was represented by Audrey Hanson McIntosh. The hearing concluded at approximately 2:50 p.m. A copy of the transcript is on file with the Board of Pharmacy.

#D4 Medication Therapy Services Rule

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

Kim Grinston reported the Board of Healing Arts made no changes to 6.060 and 6.070, and reported concerning the changes they made to 6.080. Discussion was held.

Motion was made by Barbara Bilek, seconded by Janine Burkett, to delete the first sentence of (2)(D). Motion passed, all in favor, none opposed.

Motion was made by Barbara Bilek, seconded by James Riddle, to accept the change made to (3)(B). Motion passed, all in favor, none opposed.

Discussion was held concerning a disclosure requirement by the pharmacist. **Motion was made by Barbara Bilek, seconded by Janine Burkett, to keep (4)(A) as is and make no change. Motion passed, all in favor, none opposed.**

Motion was made by Barbara Bilek, seconded by James Riddle, to change to "...allowing the pharmacist access to medical information for purposes of providing..." in (4)(B)10. Motion passed, all in favor, none opposed.

Motion was made by Barbara Bilek, seconded by James Riddle, to change (2)(C) to "The written protocol shall include a prescription of the medication therapy services the pharmacist is authorized...". Motion passed, all in favor, none opposed.

Motion was made by Barbara Bilek, seconded by Janine Burkett, to change to "...modification of therapy as described in the protocol, provided the protocol may..." in (5)(B). Motion passed, all in favor, none opposed.

Kim Grinston reported and discussion was held regarding (6)(A). **Motion was made by Barbara Bilek, seconded by James Riddle, to approve (6)(A) as printed. Motion passed, all in favor, none opposed.**

Motion was made by Barbara Bilek, seconded by James Riddle, to approve change as printed in (7)(A)6. Motion passed, all in favor, none opposed.

#D3 Hospital Licensing Rule

- Email from Bert McClary

Kim Grinston and Bert McClary reported. Mike Jarvis of Mercy Hospital and Steve Callaway of University of Missouri presented to the Board. Curt Thompson asked if the hospital representatives have had their legal counsel review the proposal, and if so, was it determined to be legal? Tom Glenski commented it is the Board's interpretation that this proposal would be illegal and conflicting with existing statute.

#D7 Refill Consolidation

- Quantity Limits

DISCUSSION:

Board discussion requested.

Kim Grinston reported and discussion was held. Doug Lang and Tony Mangiapanelli of Express Scripts presented to the Board, and responded to questions by the Board. Lengthy discussion was held. Steve Callaway also addressed the Board. Mr. Lang also commented Indiana recently passed legislation to allow refill consolidation, and South Dakota also has similar language. Curt Thompson asked if Express Scripts has consulted their legal counsel about this topic. It was Board consensus for office staff to get additional information, request a survey through NABP, obtain the Department of Insurance's opinion, etc.

MOTION TO CLOSE 5:08 PM

At 5:08 p.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.

MEMBERS OF THE PUBLIC LEFT THE MEETING ROOM AT 5:08 PM.

WEDNESDAY, APRIL 18, 2012

RECONVENE OPEN 8:47 AM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 8:47 a.m. on Wednesday, April 18, 2012.

MEMBERS OF THE PUBLIC ENTERED THE MEETING ROOM AT 8:48 AM.

#D4 Medication Therapy Services Rule

Kim Grinston reported she revised 20 CSR 2220-6.080 and a new version has been emailed to Board members. Discussion was held.

Discussion was held regarding Kim's revisions to (4)(A). **Motion was made by Barbara Bilek, seconded by James Riddle, to approve 2- CSR 2220-6.080 as revised, except move the word "only" in (2)(A) as follows: "...a pharmacist may provide medication therapy services only with current certification...". Motion passed, all in favor, none opposed.**

#D9 Review of Disciplinary Terms

- Standard Pharmacist Terms
- Optional Terms
- Suspension Terms
- Chemical Dependency Terms
- Mental Health Terms
- Technician Terms

Kim Grinston reported and discussion was held. **Motion was made by James Riddle, seconded by Anita Parran, to approve the pharmacy, intern and technician disciplinary terms as printed. Motion passed, all in favor, none opposed.** It was Board consensus to put finalized copies of the disciplinary terms in Board member folders for each meeting.

THE FOLLOWING ITEM WAS 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

#E3 Stormans Incorporated, et al., Versus Washington State Department of Health

THE BOARD WENT INTO OPEN SESSION STRATEGIC PLANNING MEETING AT APPROXIMATELY 9:05 A.M.

THURSDAY, APRIL 19, 2012
RECONVENED OPEN

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 8:56 a.m. on Thursday, April 19, 2012.

#D4 Medication Therapy Services Rule

The Board of Pharmacy participated with the Board of Healing Arts in a conference call meeting at 9:07 a.m. David Poggemeier, Board member; Bradley Freeman, Board member; Sarah Schappe, legal counsel; Tina Steinman, Executive Director; and Donna Ellis, staff, participated for the Board of Healing Arts. Kim Grinston had emailed the Board of Pharmacy's proposed revisions to 20 CSR 2220-6.080 to Tina Steinman for distribution to her staff and Board. The purpose of this conference call was to review/discuss the Board of Pharmacy's changes.

(2)(D) The Board of Healing Arts accepted our Board's changes.

(4)(A) The Board of Healing Arts accepted our Board's language in green.

(4)(B)10. The Board of Healing Arts accepted our Board's change in purple.

(4)(B)14. It was determined this change needs review by the full Board of Healing Arts at their meeting tomorrow.

(4)(B)15. The Board of Healing Arts accepted our Board's changes.

(4)(C)12. The Board of Healing Arts accepted our Board's changes.

(5)(A) & (B) It was determined this change needs review by the full Board of Healing Arts at their meeting tomorrow.

(6)(A) The Board of Healing Arts accepted our Board's changes.

(7)(A)6. It was determined 6. should be separated into two separate statements; i.e.

6. Referrals to the authorizing physician

7. Referrals for emergency care

THE CONFERENCE CALL DISCONNECTED AT 9:24 A.M.

MOTION TO CLOSE 9:25 AM

At 9:25 a.m. James Riddle 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, none opposed.

THURSDAY, APRIL 19, 2012
RECONVENE OPEN 12:59 PM

By motion duly made, seconded, passed and recorded in closed session minutes, the Board returned to open session at approximately 12:59 p.m. on Thursday, April 19, 2012.

MOTION TO ADJOURN 1:00 PM

At approximately 1:00 p.m., motion was made by Barbara Bilek, seconded by James Riddle, to adjourn the April 17-19, 2012, regular open session meeting. Motion passed, all in favor, none opposed, Janine Burkett absent.

KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR

DATE APPROVED: 7/11/12